

By Senator Ring

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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
29 governments from abolishing their growth enterprise

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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:

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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:

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- 59 (a) Computer, electronic, or information technology
60 products.
- 61 (b) Aerospace, aviation, or other transportation equipment.
- 62 (c) Fabricated metal products.
- 63 (d) Food products.
- 64 (e) Machinery.
- 65 (f) Nonmetallic mineral products.
- 66 (g) Chemical products.
- 67 (h) Paper products.
- 68 (i) Plastic or rubber products.
- 69 (j) Clean technology products.
- 70 (k) Energy.
- 71 (l) Life sciences products.
- 72 (2) "Local development approval" means a local permit or
73 other approval issued by a local government, or any modification
74 of such permit or approval, that is necessary for the physical
75 location or expansion of a growth enterprise, including, but not
76 limited to, permits or approvals related to elements of a master
77 development plan required under s. 288.1091(2) (c).
- 78 (3) "Local government" means a county or municipality.
- 79 (4) "Participating agency" means each of the following
80 agencies:
- 81 (a) The Department of Environmental Protection.
- 82 (b) The Department of Transportation, including its
83 district offices.
- 84 (c) The Fish and Wildlife Conservation Commission, when
85 acting pursuant to statutory authority granted by the
86 Legislature.
- 87 (d) Water management districts.

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

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

96 (Substantial rewording of section. See
97 s. 288.109, F.S., for present text.)
98 288.109 One-Stop Permitting System.-

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

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

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

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

110 (2) The department shall prescribe the content and format
111 for the one-stop application, which must include information
112 necessary to review requests for state development approvals
113 for:

114 (a) Wetland or environmental resource permits.

115 (b) Surface water management permits.

116 (c) Stormwater permits.

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117 (d) Consumptive water use permits.

118 (e) Wastewater permits.

119 (f) Air emission permits.

120 (g) Permits relating to listed species.

121 (h) Highway or roadway access permits.

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

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

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

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

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

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

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

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

165 288.1091 Local growth enterprise development programs;
166 master development approval for growth enterprises.-

167 (1) (a) A local government may adopt an ordinance
168 establishing a growth enterprise development program under which
169 the local government may grant master development approval for
170 the development or expansion of a site owned and operated by a
171 growth enterprise at a fixed location within the local
172 government's geographic boundaries.

173 (b) The governing body of each local government in the
174 state shall consider whether to establish a growth enterprise

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

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

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

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

192 1. A site map.

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

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

197 4. Development conditions.

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

201 1. Drainage.

202 2. Wastewater.

203 3. Potable water.

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- 204 4. Solid waste.
205 5. Onsite and offsite natural resources.
206 6. Preservation of historic and archeological resources.
207 7. Offsite infrastructure.
208 8. Public services.
209 9. Compatibility with adjacent offsite land uses.
210 10. Vehicular and pedestrian entrance to and exit from the
211 site.

- 212 11. Offsite transportation impacts.

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

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

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

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

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

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

232 4. A decrease of more than 5 percent in the total area set

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233 aside for open space, mitigation, or buffering required in the
234 master development order.

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

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

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

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

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

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

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

259 (i) A provision stating that, before commencing
260 construction or site development work, the growth enterprise
261 must submit a certification, signed by a licensed architect,

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262 engineer, or landscape architect, attesting that such work shall
263 comply with the master development order.

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

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

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

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

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

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

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

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

293 288.1095 Information concerning the One-Stop Permitting
294 System and local growth enterprise development programs.—The
295 department shall develop literature that explains the One-Stop
296 Permitting System established under s. 288.109 and identifies
297 each local government ~~those counties~~ that establishes a growth
298 enterprise development program under s. 288.1091 ~~have been~~
299 ~~designated as Quick Permitting Counties~~. The literature must be
300 updated at least once each year. To the maximum extent feasible,
301 state agencies and offices, including Enterprise Florida, Inc.,
302 shall distribute such literature and inform the public of the
303 One-Stop Permitting System and the local governments that
304 establish growth enterprise development programs ~~Quick~~
305 ~~Permitting Counties~~. In addition, the department, Enterprise
306 Florida, Inc., or such other state agency or office assigned the
307 principal responsibility of distributing information to
308 prospective businesses regarding location or expansion in the
309 state, shall provide this information to prospective, new,
310 expanding, and relocating businesses seeking to conduct business
311 in this state, municipalities, counties, economic-development
312 organizations, and chambers of commerce.

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

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