

1 A bill to be entitled
2 An act relating to manufacturing development; creating
3 s. 288.1101, F.S.; providing a short title;
4 establishing the Manufacturing Competitiveness Act;
5 creating s. 288.1102, F.S.; providing definitions;
6 creating s. 288.1103, F.S.; authorizing local
7 governments to establish a local manufacturing
8 development program that provides for master
9 development approval for certain sites; providing
10 specific time periods for action by local governments;
11 requiring the Department of Economic Opportunity to
12 develop a model ordinance containing specified
13 information and provisions; requiring a local
14 manufacturing development program ordinance to include
15 certain information; providing certain restrictions on
16 the termination of a local manufacturing development
17 program; creating s. 288.1104, F.S.; requiring the
18 department, in cooperation with participating
19 agencies, to establish a manufacturing development
20 coordinated approval process for certain
21 manufacturers; requiring participating agencies to
22 coordinate and review applications for certain state
23 development approvals; requiring a manufacturer to
24 file certain documents; requiring the department to
25 convene a meeting when requested by a certain
26 manufacturer; providing for requests for additional
27 information and specifying time periods; requiring
28 participating agencies to take final action on

29 applications within a certain time period; requiring
 30 the department to facilitate the resolution of certain
 31 applications; providing for approval by default;
 32 authorizing the department to adopt rules; creating s.
 33 288.1105, F.S.; requiring the department to develop
 34 materials that identify local manufacturing
 35 development programs; requiring the department and
 36 other entities to distribute such material; providing
 37 an effective date.

38

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

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41 Section 1. Section 288.1101, Florida Statutes, is created
 42 to read:

43 288.1101 Short title.—Sections 288.1101-288.1105 may be
 44 cited as the "Manufacturing Competitiveness Act."

45 Section 2. Section 288.1102, Florida Statutes, is created
 46 to read:

47 288.1102 Definitions.—As used in ss. 288.1101-288.1105,
 48 the term:

49 (1) "Local government" means a county or municipality.

50 (2) "Local government development approval" means a local
 51 land development permit, order, or other approval issued by a
 52 local government, or any modification of such permit, order, or
 53 approval, which is required for a manufacturer to physically
 54 locate or expand and includes, but is not limited to, the review
 55 and approval of a master development plan required under s.
 56 288.1103(2)(c).

57 | (3) "Local manufacturing development program" means a
 58 | program enacted by a local government for approval of master
 59 | development plans under s. 288.1103.

60 | (4) "Manufacturer" means a business that is classified in
 61 | Sectors 31-33 of the National American Industry Classification
 62 | System (NAICS) and is located, or intends to locate, within the
 63 | geographic boundaries of an area designated by a local
 64 | government as provided under s. 288.1103.

65 | (5) "Participating agency" means:

66 | (a) The Department of Environmental Protection.

67 | (b) The Department of Transportation.

68 | (c) The Fish and Wildlife Conservation Commission, when
 69 | acting pursuant to statutory authority granted by the
 70 | Legislature.

71 | (d) Water management districts.

72 | (6) "State development approval" means a state or regional
 73 | permit or other approval issued by a participating agency, or
 74 | any modification of such permit or approval, which must be
 75 | obtained before the development or expansion of a manufacturer's
 76 | site, and includes, but is not limited to, those specified in s.
 77 | 288.1104(1).

78 | Section 3. Section 288.1103, Florida Statutes, is created
 79 | to read:

80 | 288.1103 Local manufacturing development program; master
 81 | development approval for manufacturers.—A local government may
 82 | adopt an ordinance establishing a local manufacturing
 83 | development program through which the local government may grant
 84 | master development approval for the development or expansion of

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85 sites that are, or are proposed to be, operated by manufacturers
86 at specified locations within the local government's geographic
87 boundaries.

88 (1) (a) A local government that elects to establish a local
89 manufacturing development program shall submit a copy of the
90 ordinance establishing the program to the department within 20
91 days after the ordinance is enacted.

92 (b) A local government ordinance adopted before the
93 effective date of this act establishes a local manufacturing
94 development program if it satisfies the minimum criteria
95 established in subsection (3) and if the local government
96 submits a copy of the ordinance to the department on or before
97 September 1, 2013.

98 (2) By December 1, 2013, the department shall develop a
99 model ordinance to guide local governments that intend to
100 establish a local manufacturing development program. The model
101 ordinance, which need not be adopted by a local government, must
102 include:

103 (a) Procedures for a manufacturer to apply for a master
104 development plan and procedures for a local government to review
105 and approve a master development plan.

106 (b) Identification of those areas within the local
107 government's jurisdiction which are subject to the program.

108 (c) Minimum elements for a master development plan,
109 including, but not limited to:

110 1. A site map.

111 2. A list proposing the site's land uses.

112 3. Maximum square footage, floor area ratio, and building

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113 | heights for future development on the site, specifying with
114 | particularity those features and facilities for which the local
115 | government will require the establishment of maximum dimensions.

116 | 4. Development conditions.

117 | (d) A list of the development impacts, if applicable to
118 | the proposed site, which the local government will require to be
119 | addressed in a master development plan, including, but not
120 | limited to:

121 | 1. Drainage.

122 | 2. Wastewater.

123 | 3. Potable water.

124 | 4. Solid waste.

125 | 5. Onsite and offsite natural resources.

126 | 6. Preservation of historic and archeological resources.

127 | 7. Offsite infrastructure.

128 | 8. Public services.

129 | 9. Compatibility with adjacent offsite land uses.

130 | 10. Vehicular and pedestrian entrance to and exit from the
131 | site.

132 | 11. Offsite transportation impacts.

133 | (e) A provision vesting any existing development rights
134 | authorized by the local government before the approval of a
135 | master development plan, if requested by the manufacturer.

136 | (f) Whether an expiration date is required for a master
137 | development plan and, if required, a provision stating that the
138 | expiration date may not be earlier than 10 years after the
139 | plan's adoption.

140 | (g) A provision limiting the circumstances that require an

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141 amendment to an approved master development plan to the
142 following:

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

146 2. Any revision to the master development plan initiated
147 by the manufacturer.

148 (h) A provision stating that the scope of review for any
149 amendment to a master development plan is limited to the
150 amendment and does not subject any other provision of the
151 approved master development plan to further review.

152 (i) A provision stating that, during the term of a master
153 development plan, the local government may not require
154 additional local development approvals for those development
155 impacts listed in paragraph (d) that are addressed in the master
156 development plan, other than approval of a building permit to
157 ensure compliance with the state building code and any other
158 applicable state-mandated life and safety code.

159 (j) A provision stating that, before commencing
160 construction or site development work, the manufacturer must
161 submit a certification, signed by a licensed architect,
162 engineer, or landscape architect, attesting that such work
163 complies with the master development plan.

164 (k) A provision establishing the form that will be used by
165 the local government to certify that a manufacturer is eligible
166 to participate in the local manufacturing development program
167 adopted by that jurisdiction.

168 (3) A local manufacturing development program ordinance

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169 must, at a minimum, be consistent with subsection (2) and
170 establish procedures for:

171 (a) Reviewing an application from a manufacturer for
172 approval of a master development plan.

173 (b) Approving a master development plan, which may include
174 conditions that address development impacts anticipated during
175 the life of the development.

176 (c) Developing the site in a manner consistent with the
177 master development plan without requiring additional local
178 development approvals other than building permits.

179 (d) Certifying that a manufacturer is eligible to
180 participate in the local manufacturing development program.

181 (4) (a) A local government that establishes a local
182 manufacturing development program may not abolish the program
183 until it has been in effect for at least 24 months.

184 (b) If a local government repeals its local manufacturing
185 development program ordinance:

186 1. Any application for a master development plan which is
187 submitted to the local government before the effective date of
188 the repeal is vested and remains subject to the local
189 manufacturing development program ordinance in effect when the
190 application was submitted; and

191 2. The manufacturer that submitted the application is
192 entitled to participate in the manufacturing development
193 coordinated approval process established in s. 288.1104.

194 Section 4. Section 288.1104, Florida Statutes, is created
195 to read:

196 288.1104 Manufacturing development coordinated approval

197 process.—The department, in cooperation with participating
 198 agencies, shall establish, facilitate, and oversee the
 199 manufacturing development coordinated approval process for
 200 manufacturers that are developing or expanding in a local
 201 government that has a local manufacturing development program.

202 (1) The approval process must include collaboration and
 203 coordination among, and simultaneous review by, the
 204 participating agencies of applications for the following state
 205 development approvals:

- 206 (a) Wetland or environmental resource permits.
- 207 (b) Surface water management permits.
- 208 (c) Stormwater permits.
- 209 (d) Consumptive water use permits.
- 210 (e) Wastewater permits.
- 211 (f) Air emission permits.
- 212 (g) Permits relating to listed species.
- 213 (h) Highway or roadway access permits.
- 214 (i) Any other state development approval within the scope
 215 of a participating agency's authority.

216 (2) (a) When filing its application for state development
 217 approval, a manufacturer shall file with the department and each
 218 participating agency proof that its development or expansion is
 219 located in a local government that has a local manufacturing
 220 development program.

221 (b) If a local government repeals its local manufacturing
 222 development program ordinance, a manufacturer developing or
 223 expanding in that jurisdiction remains entitled to participate
 224 in the process if the manufacturer submitted its application for

225 a state or local government development approval before the
226 effective date of repeal.

227 (3) At any time during the process, if a manufacturer
228 requests that the department convene a meeting with one or more
229 participating agencies to facilitate the process, the department
230 shall convene a meeting.

231 (4) If a participating agency determines that an
232 application is incomplete, the participating agency shall notify
233 the applicant and the department in writing of the additional
234 information necessary to complete the application.

235 (a) Unless the deadline is waived in writing by the
236 manufacturer, a participating agency shall provide a request for
237 additional information to the manufacturer and the department
238 within 20 days after the date the application is filed with the
239 participating agency.

240 (b) If the participating agency does not request
241 additional information within the 20-day period, the
242 participating agency may not subsequently deny the application
243 based on the manufacturer's failure to provide additional
244 information.

245 (c) Within 10 days after the manufacturer's response to
246 the request for additional information, a participating agency
247 may make a second request for additional information for the
248 sole purpose of obtaining clarification of the manufacturer's
249 response.

250 (5) (a) Unless the deadline is waived in writing by the
251 manufacturer or a different deadline is mandated by a federally
252 delegated permitting program, each participating agency shall

253 take final agency action on a state development approval within
254 its authority within 60 days after a complete application is
255 filed. The 60-day period is tolled by the initiation of a
256 proceeding under ss. 120.569 and 120.57.

257 (b) A participating agency shall notify the department if
258 it intends to deny a manufacturer's application and, unless
259 waived in writing by the manufacturer, the department shall
260 timely convene an informal meeting to facilitate a resolution.

261 (c) Unless waived in writing by the manufacturer, if a
262 participating agency does not approve or deny an application
263 within the 60-day period, within the time allowed by a federally
264 delegated permitting program, or, if a proceeding is initiated
265 under ss. 120.569 and 120.57, within 45 days after a recommended
266 order is submitted to the agency and the parties, the state
267 development approval within the authority of the participating
268 agency is deemed approved. A manufacturer seeking to claim
269 approval by default under this subsection shall notify, in
270 writing, the clerks of both the participating agency and the
271 department of that intent. A manufacturer may not take action
272 based upon the default approval until such notice is received by
273 both agency clerks.

274 (d) At any time after a proceeding is initiated under ss.
275 120.569 and 120.57, the manufacturer may demand expeditious
276 resolution by serving notice on an administrative law judge and
277 all other parties to the proceeding. The administrative law
278 judge shall set the matter for final hearing no more than 30
279 days after receipt of such notice. After the final hearing is
280 set, a continuance may not be granted without the written

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281 agreement of all parties.

282 (6) The department may adopt rules to administer this
283 section.

284 Section 5. Section 288.1105, Florida Statutes, is created
285 to read:

286 288.1105 Information concerning local manufacturing
287 development programs.—The department shall develop materials
288 that identify each local government that establishes a local
289 manufacturing development program under s. 288.1103. The
290 materials, which the department may elect to develop and
291 maintain in electronic format or in any other format deemed by
292 the department to provide public access, must be updated at
293 least annually. The department, Enterprise Florida, Inc., or
294 such other state agency or office assigned the principal
295 responsibility of distributing the materials, shall provide them
296 to prospective, new, expanding, and relocating businesses
297 seeking to conduct business in this state.

298 Section 6. This act shall take effect July 1, 2013.