

By the Committee on Commerce and Tourism; and Senator Galvano

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1                                   A bill to be entitled  
2       An act relating to manufacturing development; creating  
3       s. 163.325, F.S.; providing a short title;  
4       establishing the Manufacturing Competitiveness Act;  
5       creating s. 163.3251, F.S.; providing definitions;  
6       creating s. 163.3252, 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. 163.3253, F.S.; requiring  
18      participating agencies to establish a manufacturing  
19      development coordinated approval process for certain  
20      manufacturers; requiring participating agencies to  
21      coordinate and review applications for certain state  
22      development approvals; requiring participating  
23      agencies to convene and attend a meeting when  
24      requested by a certain manufacturer; providing for  
25      requests for additional information and specifying  
26      time periods; requiring participating agencies to take  
27      final action on applications within a certain time  
28      period; requiring participating agencies to facilitate  
29      the resolution of certain applications; providing for

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30 approval by default; providing for applicability with  
31 respect to permit applications governed by federally  
32 delegated or approved permitting programs; creating s.  
33 288.111, F.S.; requiring the department to develop  
34 materials that identify local manufacturing  
35 development programs; requiring Enterprise Florida,  
36 Inc., and authorizing other state agencies, to  
37 distribute such material; providing an effective date.  
38

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

40  
41 Section 1. Section 163.325, Florida Statutes, is created to  
42 read:

43 163.325 Short title.—Sections 163.325-163.3253 may be cited  
44 as the “Manufacturing Competitiveness Act.”

45 Section 2. Section 163.3251, Florida Statutes, is created  
46 to read:

47 163.3251 Definitions.—As used in ss. 163.3251-163.3253, the  
48 term:

49 (1) “Department” means the Department of Economic  
50 Opportunity.

51 (2) “Local government development approval” means a local  
52 land development permit, order, or other approval issued by a  
53 local government, or a modification of such permit, order, or  
54 approval, which is required for a manufacturer to physically  
55 locate or expand and includes, but is not limited to, the review  
56 and approval of a master development plan required under s.  
57 163.3252 (2) (c) .

58 (3) “Local manufacturing development program” means a

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59 program enacted by a local government for approval of master  
60 development plans under s. 163.3252.

61 (4) "Manufacturer" means a business that is classified in  
62 Sectors 31-33 of the National American Industry Classification  
63 System (NAICS) and is located, or intends to locate, within the  
64 geographic boundaries of an area designated by a local  
65 government as provided under s. 163.3252.

66 (5) "Participating agency" means:

67 (a) The Department of Environmental Protection.

68 (b) The Department of Transportation.

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

72 (d) Water management districts.

73 (6) "State development approval" means a state or regional  
74 permit or other approval issued by a participating agency, or a  
75 modification of such permit or approval, which must be obtained  
76 before the development or expansion of a manufacturer's site,  
77 and includes, but is not limited to, those specified in s.  
78 163.3253(1).

79 Section 3. Section 163.3252, Florida Statutes, is created  
80 to read:

81 163.3252 Local manufacturing development program; master  
82 development approval for manufacturers.—A local government may  
83 adopt an ordinance establishing a local manufacturing  
84 development program through which the local government may grant  
85 master development approval for the development or expansion of  
86 sites that are, or are proposed to be, operated by manufacturers  
87 at specified locations within the local government's geographic

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88 boundaries.

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

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

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

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

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

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

111 1. A site map.

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

113 3. Maximum square footage, floor area ratio, and building  
114 heights for future development on the site, specifying with  
115 particularity those features and facilities for which the local  
116 government will require the establishment of maximum dimensions.

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117       4. Development conditions.

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

122           1. Drainage.

123           2. Wastewater.

124           3. Potable water.

125           4. Solid waste.

126           5. Onsite and offsite natural resources.

127           6. Preservation of historic and archeological resources.

128           7. Offsite infrastructure.

129           8. Public services.

130           9. Compatibility with adjacent offsite land uses.

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

133           11. Offsite transportation impacts.

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

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

141       (g) A provision limiting the circumstances that require an  
142 amendment to an approved master development plan to the  
143 following:

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

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146 an amendment to the master development order.

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

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

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

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

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

169 (3) A local manufacturing development program ordinance  
170 must, at a minimum, be consistent with subsection (2) and  
171 establish procedures for:

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

174 (b) Approving a master development plan, which may include

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175 conditions that address development impacts anticipated during  
176 the life of the development.

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

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

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

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

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

192 2. The manufacturer that submitted the application is  
193 entitled to participate in the manufacturing development  
194 coordinated approval process established in s. 163.3253.

195 Section 4. Section 163.3253, Florida Statutes, is created  
196 to read:

197 163.3253 Coordinated manufacturing development approval  
198 process.—Participating agencies shall coordinate the  
199 manufacturing development approval process, as set forth in this  
200 section, for manufacturers that are developing or expanding in  
201 the jurisdiction of a local government that has a local  
202 manufacturing development program.

203 (1) Participating agencies shall collaborate and coordinate

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204 the simultaneous review 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 each participating  
218 agency proof that its development or expansion is located in the  
219 jurisdiction of a local government that has a local  
220 manufacturing 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 local government development approval before the effective  
226 date of repeal.

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

231 (4) If a participating agency determines that an  
232 application is incomplete, the participating agency shall notify



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233 the applicant, in writing, of the additional information  
234 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 within 20 days after  
238 the date the application is filed with the participating agency.

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

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

248 (5) (a) Unless the deadline is waived in writing by the  
249 manufacturer, each participating agency shall take final agency  
250 action on a state development approval within its authority  
251 within 60 days after a complete application is filed. The 60-day  
252 period is tolled by the initiation of a proceeding under ss.  
253 120.569 and 120.57.

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

259 (c) Unless waived in writing by the manufacturer, if a  
260 participating agency does not approve or deny an application  
261 within the 60-day period, within the time allowed by a federally

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262 delegated permitting program, or, if a proceeding is initiated  
263 under ss. 120.569 and 120.57, within 45 days after a recommended  
264 order is submitted to the agency and the parties, the state  
265 development approval within the authority of the participating  
266 agency is deemed approved. A manufacturer seeking to claim  
267 approval by default under this subsection shall notify, in  
268 writing, the clerk of the participating agency of that intent. A  
269 manufacturer may not take action based on the default approval  
270 until such notice is received by the agency clerk.

271 (d) At any time after a proceeding is initiated under ss.  
272 120.569 and 120.57, the manufacturer may demand expeditious  
273 resolution by serving notice on an administrative law judge and  
274 all other parties to the proceeding. The administrative law  
275 judge shall set the matter for final hearing no more than 30  
276 days after receipt of such notice. After the final hearing is  
277 set, a continuance may not be granted without the written  
278 agreement of all parties.

279 (6) Subsections (4) and (5) do not apply to permit  
280 applications governed by federally delegated or approved  
281 permitting programs to the extent that subsections (4) and (5)  
282 impose timeframes or other requirements that are prohibited by  
283 or inconsistent with such federally delegated or approved  
284 permitting programs.

285 Section 5. Section 288.111, Florida Statutes, is created to  
286 read:

287 288.111 Information concerning local manufacturing  
288 development programs.—The department shall develop materials  
289 that identify each local government that establishes a local  
290 manufacturing development program under s. 163.3252. The

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291 materials, which the department may elect to develop and  
292 maintain in electronic format or in any other format deemed by  
293 the department to provide public access, must be updated at  
294 least annually. Enterprise Florida, Inc., shall, and other state  
295 agencies may, distribute the materials to prospective, new,  
296 expanding, and relocating manufacturing businesses seeking to  
297 conduct business in this state.

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