

By the Committees on Appropriations; and 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 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
23 manufacturers; requiring participating agencies to
24 coordinate and review applications for certain state
25 development approvals; requiring the department to
26 convene a meeting when requested by a certain
27 manufacturer; requiring participating agencies to
28 attend meetings convened by the department; specifying
29 that the department is not required to mediate between

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30 the participating agencies and a manufacturer;
31 providing that the department may not be a party to
32 certain proceedings involving state development
33 approvals; requiring that the coordinated approval
34 process have no effect on the department's economic
35 development incentive approval process; providing for
36 requests for additional information and specifying
37 time periods; requiring participating agencies to take
38 final action on applications within a certain time
39 period; requiring the department to facilitate the
40 resolution of certain applications; providing for
41 approval by default; providing for applicability with
42 respect to permit applications governed by federally
43 delegated or approved permitting programs; authorizing
44 the department to adopt rules; creating s. 288.111,
45 F.S.; requiring the department to develop materials
46 that identify local manufacturing development
47 programs; requiring Enterprise Florida, Inc., and
48 authorizing other state agencies, to distribute such
49 material; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Section 163.325, Florida Statutes, is created to
54 read:

55 163.325 Short title.—Sections 163.325-163.3253 may be cited
56 as the "Manufacturing Competitiveness Act."

57 Section 2. Section 163.3251, Florida Statutes, is created
58 to read:

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59 163.3251 Definitions.—As used in ss. 163.3251-163.3253, the
60 term:

61 (1) "Department" means the Department of Economic
62 Opportunity.

63 (2) "Local government development approval" means a local
64 land development permit, order, or other approval issued by a
65 local government, or a modification of such permit, order, or
66 approval, which is required for a manufacturer to physically
67 locate or expand and includes, but is not limited to, the review
68 and approval of a master development plan required under s.
69 163.3252(2)(c).

70 (3) "Local manufacturing development program" means a
71 program enacted by a local government for approval of master
72 development plans under s. 163.3252.

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

78 (5) "Participating agency" means:

79 (a) The Department of Environmental Protection.

80 (b) The Department of Transportation.

81 (c) The Fish and Wildlife Conservation Commission, when
82 acting pursuant to statutory authority granted by the
83 Legislature.

84 (d) Water management districts.

85 (6) "State development approval" means a state or regional
86 permit or other approval issued by a participating agency, or a
87 modification of such permit or approval, which must be obtained

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88 before the development or expansion of a manufacturer's site,
89 and includes, but is not limited to, those specified in s.
90 163.3253(1).

91 Section 3. Section 163.3252, Florida Statutes, is created
92 to read:

93 163.3252 Local manufacturing development program; master
94 development approval for manufacturers.—A local government may
95 adopt an ordinance establishing a local manufacturing
96 development program through which the local government may grant
97 master development approval for the development or expansion of
98 sites that are, or are proposed to be, operated by manufacturers
99 at specified locations within the local government's geographic
100 boundaries.

101 (1) (a) A local government that elects to establish a local
102 manufacturing development program shall submit a copy of the
103 ordinance establishing the program to the department within 20
104 days after the ordinance is enacted.

105 (b) A local government ordinance adopted before the
106 effective date of this act establishes a local manufacturing
107 development program if it satisfies the minimum criteria
108 established in subsection (3) and if the local government
109 submits a copy of the ordinance to the department on or before
110 September 1, 2013.

111 (2) By December 1, 2013, the department shall develop a
112 model ordinance to guide local governments that intend to
113 establish a local manufacturing development program. The model
114 ordinance, which need not be adopted by a local government, must
115 include:

116 (a) Procedures for a manufacturer to apply for a master

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117 development plan and procedures for a local government to review
118 and approve a master development plan.

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

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

123 1. A site map.

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

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

129 4. Development conditions.

130 (d) A list of the development impacts, if applicable to the
131 proposed site, which the local government will require to be
132 addressed in a master development plan, including, but not
133 limited to:

134 1. Drainage.

135 2. Wastewater.

136 3. Potable water.

137 4. Solid waste.

138 5. Onsite and offsite natural resources.

139 6. Preservation of historic and archeological resources.

140 7. Offsite infrastructure.

141 8. Public services.

142 9. Compatibility with adjacent offsite land uses.

143 10. Vehicular and pedestrian entrance to and exit from the
144 site.

145 11. Offsite transportation impacts.

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

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

153 (g) A provision limiting the circumstances that require an
154 amendment to an approved master development plan to the
155 following:

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

159 2. Any revision to the master development plan initiated by
160 the manufacturer.

161 (h) A provision stating that the scope of review for any
162 amendment to a master development plan is limited to the
163 amendment and does not subject any other provision of the
164 approved master development plan to further review.

165 (i) A provision stating that, during the term of a master
166 development plan, the local government may not require
167 additional local development approvals for those development
168 impacts listed in paragraph (d) that are addressed in the master
169 development plan, other than approval of a building permit to
170 ensure compliance with the state building code and any other
171 applicable state-mandated life and safety code.

172 (j) A provision stating that, before commencing
173 construction or site development work, the manufacturer must
174 submit a certification, signed by a licensed architect,

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175 engineer, or landscape architect, attesting that such work
176 complies with the master development plan.

177 (k) A provision establishing the form that will be used by
178 the local government to certify that a manufacturer is eligible
179 to participate in the local manufacturing development program
180 adopted by that jurisdiction.

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

184 (a) Reviewing an application from a manufacturer for
185 approval of a master development plan.

186 (b) Approving a master development plan, which may include
187 conditions that address development impacts anticipated during
188 the life of the development.

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

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

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

197 (b) If a local government repeals its local manufacturing
198 development program ordinance:

199 1. Any application for a master development plan which is
200 submitted to the local government before the effective date of
201 the repeal is vested and remains subject to the local
202 manufacturing development program ordinance in effect when the
203 application was submitted; and

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204 2. The manufacturer that submitted the application is
205 entitled to participate in the manufacturing development
206 coordinated approval process established in s. 163.3253.

207 Section 4. Section 163.3253, Florida Statutes, is created
208 to read:

209 163.3253 Coordinated manufacturing development approval
210 process.—The department shall coordinate the manufacturing
211 development approval process with participating agencies, as set
212 forth in this section, for manufacturers that are developing or
213 expanding in a local government that has a local manufacturing
214 development program.

215 (1) The approval process must include collaboration and
216 coordination among, and simultaneous review by, the
217 participating agencies of applications for the following state
218 development approvals:

219 (a) Wetland or environmental resource permits.

220 (b) Surface water management permits.

221 (c) Stormwater permits.

222 (d) Consumptive water use permits.

223 (e) Wastewater permits.

224 (f) Air emission permits.

225 (g) Permits relating to listed species.

226 (h) Highway or roadway access permits.

227 (i) Any other state development approval within the scope
228 of a participating agency's authority.

229 (2) (a) When filing its application for state development
230 approval, a manufacturer shall file with the department and each
231 participating agency proof that its development or expansion is
232 located in a local government that has a local manufacturing

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233 development program.

234 (b) If a local government repeals its local manufacturing
235 development program ordinance, a manufacturer developing or
236 expanding in that jurisdiction remains entitled to participate
237 in the process if the manufacturer submitted its application for
238 a local government development approval before the effective
239 date of repeal.

240 (3) At any time during the process, if a manufacturer
241 requests that the department convene a meeting with one or more
242 participating agencies to facilitate the process, the department
243 shall convene a meeting that the involved participating agencies
244 must attend.

245 (a) The department is not required to mediate between the
246 participating agencies and the manufacturer, but may participate
247 as necessary to accomplish the purposes set forth in s.
248 20.60(4)(f).

249 (b) The department may not be a party to any proceeding
250 initiated under ss. 120.569 and 120.57 which relates to approval
251 or disapproval of an application for state development approval
252 processed under this section.

253 (c) The department's participation in a coordinated
254 manufacturing development approval process under this section
255 shall have no effect on its approval or disapproval of any
256 application for economic development incentives sought under s.
257 288.061 or any other incentive requiring department approval.

258 (4) If a participating agency determines that an
259 application is incomplete, the participating agency shall notify
260 the applicant and the department in writing of the additional
261 information necessary to complete the application.

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262 (a) Unless the deadline is waived in writing by the
263 manufacturer, a participating agency shall provide a request for
264 additional information to the manufacturer and the department
265 within 20 days after the date the application is filed with the
266 participating agency.

267 (b) If the participating agency does not request additional
268 information within the 20-day period, the participating agency
269 may not subsequently deny the application based on the
270 manufacturer's failure to provide additional information.

271 (c) Within 10 days after the manufacturer's response to the
272 request for additional information, a participating agency may
273 make a second request for additional information for the sole
274 purpose of obtaining clarification of the manufacturer's
275 response.

276 (5) (a) Unless the deadline is waived in writing by the
277 manufacturer, each participating agency shall take final agency
278 action on a state development approval within its authority
279 within 60 days after a complete application is filed. The 60-day
280 period is tolled by the initiation of a proceeding under ss.
281 120.569 and 120.57.

282 (b) A participating agency shall notify the department if
283 the agency intends to deny a manufacturer's application and,
284 unless waived in writing by the manufacturer, the department
285 shall timely convene an informal meeting to facilitate a
286 resolution.

287 (c) Unless waived in writing by the manufacturer, if a
288 participating agency does not approve or deny an application
289 within the 60-day period, within the time allowed by a federally
290 delegated permitting program, or, if a proceeding is initiated

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291 under ss. 120.569 and 120.57, within 45 days after a recommended
292 order is submitted to the agency and the parties, the state
293 development approval within the authority of the participating
294 agency is deemed approved. A manufacturer seeking to claim
295 approval by default under this subsection shall notify, in
296 writing, the clerks of both the participating agency and the
297 department of that intent. A manufacturer may not take action
298 based upon the default approval until such notice is received by
299 both agency clerks.

300 (d) At any time after a proceeding is initiated under ss.
301 120.569 and 120.57, the manufacturer may demand expeditious
302 resolution by serving notice on an administrative law judge and
303 all other parties to the proceeding. The administrative law
304 judge shall set the matter for final hearing no more than 30
305 days after receipt of such notice. After the final hearing is
306 set, a continuance may not be granted without the written
307 agreement of all parties.

308 (6) Subsections (4) and (5) do not apply to permit
309 applications governed by federally delegated or approved
310 permitting programs to the extent that subsections (4) and (5)
311 impose timeframes or other requirements that are prohibited by
312 or inconsistent with such federally delegated or approved
313 permitting programs.

314 (7) The department may adopt rules to administer this
315 section.

316 Section 5. Section 288.111, Florida Statutes, is created to
317 read:

318 288.111 Information concerning local manufacturing
319 development programs.—The department shall develop materials

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320 that identify each local government that establishes a local
321 manufacturing development program under s. 163.3252. The
322 materials, which the department may elect to develop and
323 maintain in electronic format or in any other format deemed by
324 the department to provide public access, must be updated at
325 least annually. Enterprise Florida, Inc., shall, and other state
326 agencies may, distribute the materials to prospective, new,
327 expanding, and relocating manufacturing businesses seeking to
328 conduct business in this state.

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