

ENROLLED
CS/HB 357

2013 Legislature

1
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 state
23 development approvals; requiring the department to
24 convene a meeting when requested by a certain
25 manufacturer; requiring participating agencies to
26 attend meetings convened by the department; specifying
27 that the department is not required, but is
28 authorized, to mediate between the participating

ENROLLED
CS/HB 357

2013 Legislature

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

48

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

50

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

53 163.325 Short title.—Sections 163.325-163.3253 may be
 54 cited as the "Manufacturing Competitiveness Act."

55 Section 2. Section 163.3251, Florida Statutes, is created
 56 to read:

ENROLLED
CS/HB 357

2013 Legislature

57 | 163.3251 Definitions.—As used in ss. 163.3251-163.3253,
58 | the term:

59 | (1) "Department" means the Department of Economic
60 | Opportunity.

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

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

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

76 | (5) "Participating agency" means:

77 | (a) The Department of Environmental Protection.

78 | (b) The Department of Transportation.

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

82 | (d) Water management districts.

83 | (6) "State development approval" means a state or regional
84 | permit or other approval issued by a participating agency, or a

ENROLLED
CS/HB 357

2013 Legislature

85 modification of such permit or approval, which must be obtained
86 before the development or expansion of a manufacturer's site,
87 and includes, but is not limited to, those specified in s.
88 163.3253(1).

89 Section 3. Section 163.3252, Florida Statutes, is created
90 to read:

91 163.3252 Local manufacturing development program; master
92 development approval for manufacturers.—A local government may
93 adopt an ordinance establishing a local manufacturing
94 development program through which the local government may grant
95 master development approval for the development or expansion of
96 sites that are, or are proposed to be, operated by manufacturers
97 at specified locations within the local government's geographic
98 boundaries.

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

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

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

ENROLLED
CS/HB 357

2013 Legislature

- 113 include:
- 114 (a) Procedures for a manufacturer to apply for a master
 115 development plan and procedures for a local government to review
 116 and approve a master development plan.
- 117 (b) Identification of those areas within the local
 118 government's jurisdiction which are subject to the program.
- 119 (c) Minimum elements for a master development plan,
 120 including, but not limited to:
- 121 1. A site map.
- 122 2. A list proposing the site's land uses.
- 123 3. Maximum square footage, floor area ratio, and building
 124 heights for future development on the site, specifying with
 125 particularity those features and facilities for which the local
 126 government will require the establishment of maximum dimensions.
- 127 4. Development conditions.
- 128 (d) A list of the development impacts, if applicable to
 129 the proposed site, which the local government will require to be
 130 addressed in a master development plan, including, but not
 131 limited to:
- 132 1. Drainage.
- 133 2. Wastewater.
- 134 3. Potable water.
- 135 4. Solid waste.
- 136 5. Onsite and offsite natural resources.
- 137 6. Preservation of historic and archeological resources.
- 138 7. Offsite infrastructure.
- 139 8. Public services.
- 140 9. Compatibility with adjacent offsite land uses.

141 10. Vehicular and pedestrian entrance to and exit from the
142 site.

143 11. Offsite transportation impacts.

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

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

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

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

157 2. Any revision to the master development plan initiated
158 by the manufacturer.

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

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

169 | applicable state-mandated life and safety code.

170 | (j) A provision stating that, before commencing
171 | construction or site development work, the manufacturer must
172 | submit a certification, signed by a licensed architect,
173 | engineer, or landscape architect, attesting that such work
174 | complies with the master development plan.

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

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

182 | (a) Reviewing an application from a manufacturer for
183 | approval of a master development plan.

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

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

190 | (d) Certifying that a manufacturer is eligible to
191 | participate in the local manufacturing development program.

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

195 | (b) If a local government repeals its local manufacturing
196 | development program ordinance:

ENROLLED
CS/HB 357

2013 Legislature

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

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

205 Section 4. Section 163.3253, Florida Statutes, is created
 206 to read:

207 163.3253 Coordinated manufacturing development approval
 208 process.—The department shall coordinate the manufacturing
 209 development approval process with participating agencies, as set
 210 forth in this section, for manufacturers that are developing or
 211 expanding in a local government that has a local manufacturing
 212 development program.

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

- 217 (a) Wetland or environmental resource permits.
- 218 (b) Surface water management permits.
- 219 (c) Stormwater permits.
- 220 (d) Consumptive water use permits.
- 221 (e) Wastewater permits.
- 222 (f) Air emission permits.
- 223 (g) Permits relating to listed species.
- 224 (h) Highway or roadway access permits.

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

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

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

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

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

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

251 (c) The department's participation in a coordinated
252 manufacturing development approval process under this section

ENROLLED
CS/HB 357

2013 Legislature

253 shall have no effect on its approval or disapproval of any
254 application for economic development incentives sought under s.
255 288.061 or another incentive requiring department approval.

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

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

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

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

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

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

286 (c) Unless waived in writing by the manufacturer, if a
 287 participating agency does not approve or deny an application
 288 within the 60-day period, within the time allowed by a federally
 289 delegated permitting program, or, if a proceeding is initiated
 290 under ss. 120.569 and 120.57, within 45 days after a recommended
 291 order is submitted to the agency and the parties, the state
 292 development approval within the authority of the participating
 293 agency is deemed approved. A manufacturer seeking to claim
 294 approval by default under this subsection shall notify, in
 295 writing, the clerks of both the participating agency and the
 296 department of that intent. A manufacturer may not take action
 297 based upon the default approval until such notice is received by
 298 both agency clerks.

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

307 (6) Subsections (4) and (5) do not apply to permit
 308 applications governed by federally delegated or approved

ENROLLED
CS/HB 357

2013 Legislature

309 permitting programs to the extent that subsections (4) and (5)
 310 impose timeframes or other requirements that are prohibited by
 311 or inconsistent with such federally delegated or approved
 312 permitting programs.

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

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

317 288.111 Information concerning local manufacturing
 318 development programs.—The department shall develop materials
 319 that identify each local government that establishes a local
 320 manufacturing development program under s. 163.3252. The
 321 materials, which the department may elect to develop and
 322 maintain in electronic format or in any other format deemed by
 323 the department to provide public access, must be updated at
 324 least annually. Enterprise Florida, Inc., shall, and other state
 325 agencies may, distribute the materials to prospective, new,
 326 expanding, and relocating businesses seeking to conduct business
 327 in this state.

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