

1 A bill to be entitled
 2 An act relating to rural agricultural industrial centers;
 3 amending s. 163.3177, F.S.; providing legislative
 4 findings; defining the term "rural agricultural industrial
 5 center"; authorizing landowners within a rural
 6 agricultural industrial center to apply for an amendment
 7 to the local government comprehensive plan for certain
 8 purposes; providing requirements for such application;
 9 requiring that the local government amend its
 10 comprehensive plan within a specified period after
 11 receiving such application; providing that such amendments
 12 are presumed consistent with the Florida Administrative
 13 Code; providing that such presumption may be rebutted by a
 14 preponderance of the evidence; providing an exception for
 15 optional sector plans and rural land stewardship areas;
 16 amending ss. 163.3184 and 380.06, F.S.; conforming cross-
 17 references; providing an effective date.

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

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 21 Section 1. Present subsections (13) and (14) of section
 22 163.3177, Florida Statutes, are redesignated as subsections (14)
 23 and (15), respectively, and a new subsection (13) is added to
 24 that section, to read:

25 163.3177 Required and optional elements of comprehensive
 26 plan; studies and surveys.--

27 (13) (a) The Legislature recognizes and finds that:

28 1. There are a number of rural agricultural industrial

29 centers in the state which process, produce, or aid in the
30 production or distribution of a variety of agriculturally based
31 products, including fruits, vegetables, timber, and other crops,
32 as well as juices, paper, and building materials. The rural
33 agricultural industrial centers have a significant amount of
34 existing associated infrastructure that is used for the
35 processing, production, or distribution of agricultural
36 products.

37 2. Such rural agricultural industrial centers are often
38 located within or near communities in which the economy is
39 largely dependent upon agriculture and agriculturally based
40 products. The centers significantly enhance the economy of such
41 communities. However, these agriculturally based communities are
42 often socioeconomically challenged and have been designated as
43 rural areas of critical economic concern. If such rural
44 agricultural industrial centers are lost and not replaced with
45 other job-creating enterprises, the agriculturally based
46 communities will lose a substantial amount of their economies.

47 3. The state has a compelling interest in preserving the
48 viability of agriculture and protecting rural agricultural
49 communities and the state from the economic upheaval that will
50 result from short-term or long-term adverse changes in the
51 agricultural economy. To protect such communities and promote
52 viable agriculture for the long term, it is essential to
53 encourage and permit diversification of existing rural
54 agricultural industrial centers by providing for jobs that are
55 not solely dependent upon, but are compatible with and
56 complement, existing agricultural industrial operations and to
57 encourage the creation and expansion of industries that use
58 agricultural products in innovative or new ways. However, the

59 expansion and diversification of these existing centers must be
 60 accomplished in a manner that does not promote urban sprawl into
 61 surrounding agricultural and rural areas.

62 (b) As used in this subsection, the term "rural
 63 agricultural industrial center" means a developed parcel of land
 64 in an unincorporated area on which there exists an operating
 65 agricultural industrial facility or facilities that employ at
 66 least 200 full-time employees in the aggregate and are used for
 67 processing and preparing for transport a farm product, as
 68 defined in s. 163.3162, or any biomass material that could be
 69 used, directly or indirectly, for the production of fuel,
 70 renewable energy, bioenergy, or alternative fuel as defined in
 71 state law. The center may also include land contiguous to the
 72 facility site which is not used for the cultivation of crops,
 73 but on which other existing activities essential to the
 74 operation of such facility or facilities are located or
 75 conducted. The parcel of land must be located within or in
 76 reasonable proximity to, not to exceed 10 miles, a rural area of
 77 critical economic concern.

78 (c) A landowner located within a rural agricultural
 79 industrial center may apply for an amendment to the local
 80 government comprehensive plan for the purpose of designating and
 81 expanding the existing agricultural industrial uses or
 82 facilities located in the center or expanding the existing
 83 center to include industrial uses or facilities that are not
 84 dependent upon but are compatible with agriculture and the
 85 existing uses and facilities. An application for a local
 86 government comprehensive plan amendment under this paragraph:

- 87 1. May not increase the physical area of the existing
 88 rural agricultural industrial center by more than 50 percent or

89 320 acres, whichever is greater;

90 2. Must propose a project that would create, upon
 91 completion, at least 50 new full-time jobs;

92 3. Must demonstrate that infrastructure capacity exists or
 93 will be provided to support the expanded center at the level-of-
 94 service standards adopted in the local government comprehensive
 95 plan; and

96 4. Must contain goals, objectives, and policies that will
 97 ensure that any adverse environmental impacts to the expanded
 98 center will be adequately addressed and mitigation implemented
 99 or demonstrate that the local government comprehensive plan
 100 contains such provisions.

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 102 Within 6 months after receiving an application as provided in
 103 this subsection, the local government shall amend the applicable
 104 sections of its comprehensive plan to include goals, objectives,
 105 and policies that provide for the expansion of rural
 106 agricultural industrial centers and discourage urban sprawl in
 107 the surrounding areas. Such goals, objectives, and policies must
 108 promote and be consistent with the findings in this subsection.
 109 An amendment that meets the requirements in this subsection is
 110 presumed to be consistent with rule 9J-5.006(5), Florida
 111 Administrative Code. This presumption may be rebutted by a
 112 preponderance of the evidence.

113 (d) This subsection does not apply to an optional sector
 114 plan adopted pursuant to s. 163.3245 or a rural land stewardship
 115 area designated pursuant to subsection (11).

116 Section 2. Subsection (17) of section 163.3184, Florida
 117 Statutes, is amended to read:

118 163.3184 Process for adoption of comprehensive plan or

119 plan amendment.--

120 (17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.-

121 -A local government that has adopted a community vision and

122 urban service boundary under s. 163.3177(14) and (15) ~~s.~~

123 ~~163.3177(13) and (14)~~ may adopt a plan amendment related to map

124 amendments solely to property within an urban service boundary

125 in the manner described in subsections (1), (2), (7), (14),

126 (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3.,

127 such that state and regional agency review is eliminated. The

128 department may not issue an objections, recommendations, and

129 comments report on proposed plan amendments or a notice of

130 intent on adopted plan amendments; however, affected persons, as

131 defined by paragraph (1)(a), may file a petition for

132 administrative review pursuant to the requirements of s.

133 163.3187(3)(a) to challenge the compliance of an adopted plan

134 amendment. This subsection does not apply to any amendment

135 within an area of critical state concern, to any amendment that

136 increases residential densities allowable in high-hazard coastal

137 areas as defined in s. 163.3178(2)(h), or to a text change to

138 the goals, policies, or objectives of the local government's

139 comprehensive plan. Amendments submitted under this subsection

140 are exempt from the limitation on the frequency of plan

141 amendments in s. 163.3187.

142 Section 3. Paragraph (1) of subsection (24) of section

143 380.06, Florida Statutes, is amended to read:

144 380.06 Developments of regional impact.--

145 (24) STATUTORY EXEMPTIONS.--

146 (1) Any proposed development within an urban service

147 boundary established under s. 163.3177(15) ~~s. 163.3177(14)~~ is

148 exempt from the provisions of this section if the local

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149 government having jurisdiction over the area where the
150 development is proposed has adopted the urban service boundary,
151 has entered into a binding agreement with jurisdictions that
152 would be impacted and with the Department of Transportation
153 regarding the mitigation of impacts on state and regional
154 transportation facilities, and has adopted a proportionate share
155 methodology pursuant to s. 163.3180(16).

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157 If a use is exempt from review as a development of regional
158 impact under paragraphs (a)-(t), but will be part of a larger
159 project that is subject to review as a development of regional
160 impact, the impact of the exempt use must be included in the
161 review of the larger project.

162 Section 4. This act shall take effect July 1, 2009.

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