

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 2572

INTRODUCER: Agriculture Committee, Senators Dean and Baker

SUBJECT: Rural Agricultural Industrial Centers

DATE: March 27, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Poole	AG	Fav/CS
2.	Wolfgang	Yeatman	CA	Favorable
3.	_____	_____	CM	_____
4.	_____	_____	TA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill makes legislative findings regarding the nature and characteristics of a rural agricultural industrial center and declares the state’s interest in protecting these agricultural centers from adverse changes in the agricultural economy. It provides a definition for a “rural agricultural industrial center.” It sets forth procedures for a landowner to apply for an amendment to the local comprehensive plan to expand the uses or facilities of an agricultural industrial center, and it requires local government to amend its comprehensive plan within six months if the application meets the requirements of the bill. There is a presumption, rebuttable by a preponderance of the evidence, that such an amendment does not promote urban sprawl. The bill does not apply to an optional sector plan or a rural land stewardship area.

This bill amends the following sections of the Florida Statutes: 163.3177, 163.3184, and 380.06.

II. Present Situation:

In 1985, the Legislature passed the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes), commonly known as Florida’s Growth Management Act. This Act requires local governments to adopt Local

Government Comprehensive Plans to guide growth and development. The Act establishes procedures for submission of comprehensive plans and amendments and authorizes the Department of Community Affairs, Division of Community Planning, to review these submissions for compliance with the Act.

A rural county can qualify for Rural Economic Development Initiative (REDI) status based upon specific economic distress factors. The Governor's Office of Tourism, Trade and Economic Development annually evaluates counties for REDI eligibility and currently has designated three Rural Areas of Critical Economic Concern (RACEC), namely a Northwest area consisting of 8 counties, a South Central area consisting of 6 counties, and a North Central area consisting of 14 counties.

Section 163.3187, F.S., limits amendments to comprehensive plans to two times during any calendar year unless an exception is provided. A comprehensive plan amendment that is submitted by an area designated by the Governor as a RACEC under s. 288.0656(7), F.S., and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.

Section 163.3177, F.S., sets forth the required and optional elements to be included in a comprehensive plan. There are no specific provisions that apply to an agricultural industrial center located in a RACEC.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3177, F.S., by creating a new subsection (13), and redesignating present subsections (13) and (14) to subsections (14) and (15). The new subsection (13) does the following:

- a) Makes legislative findings that:
 - There are a number of rural agricultural industrial centers that handle agricultural production, which centers have a significant amount of existing infrastructure used for processing, producing, or distributing agricultural products.
 - These facilities are often located in areas largely dependent on agriculture and many such areas have been designated as a RACEC and would lose a substantial amount of their economy if the business of the agricultural industrial center was lost and not replaced with other job-creating enterprises.
 - It is a compelling state interest to protect these communities from economic upheaval due to adverse changes in the agricultural economy by encouraging and permitting diversification of the employment base within agricultural industrial centers so that jobs are not solely dependent upon, but are compatible with and complement, agricultural operations. The expansion and diversification of these centers should be done in such a way that it does not promote urban sprawl into surrounding agricultural and rural areas.
- b) The bill defines rural agricultural industrial center as a developed parcel of land in an unincorporated area that has an operating agricultural industrial facility that:
 - employs at least 200 full-time employees;

- is used for processing and preparing for transport farm products or biomass material that could be used for the production of fuel, renewable energy, bioenergy, or alternative fuel;
 - may include contiguous land not used for the cultivation of crops but on which activities are conducted that are essential to the operation of the facility; and
 - must be located within 10 miles of a RACEC.
- c) The bill amends the comprehensive land plan laws by adding provisions allowing landowners within a rural agricultural industrial center to apply for an amendment to the local comprehensive plan to designate and expand the industrial uses or facilities of the existing agricultural industrial center which may include uses or facilities not dependent upon but are compatible with agriculture. An application under this subsection:
- may not increase the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater;
 - must propose a project that would create at least 50 new full-time jobs;
 - must demonstrate that infrastructure capacity exists or will be provided to support the expanded center at standards adopted in the local government comprehensive plan; and
 - must contain measures that ensure that any adverse environmental impacts will be adequately addressed.
- The applicant's goals, objectives, and policies must promote and be consistent with the findings in this subsection. Within six months after receiving an application that meets the requirements of this subsection, the local government must amend its comprehensive plan to provide for the expansion of the applicant's rural agricultural industrial center and to discourage urban sprawl in the surrounding areas. An amendment that meets the requirements of this subsection is presumed to be consistent with rule 9J-5.006(5), Florida Administrative Code, subject to rebuttal by a preponderance of the evidence.
- d) This bill does not apply to an optional sector plan adopted pursuant to s. 163.3245, F.S., or a rural land stewardship area designated pursuant to s. 163.3177(11), F.S.

Section 2 amends s. 162.3184(17), F.S., to conform statutory references due to the renumbering of subsections in this bill.

Section 3 amends s. 380.06(24)(1), F.S., to conform a statutory reference due to the renumbering of subsections in this bill.

Section 4 provides that this act shall take effect July 1, 2009.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because aspects of the bill may facilitate the filing of comprehensive plan amendments by certain landowners, there may be a positive economic benefit of an indeterminate amount for those landowners.

C. Government Sector Impact:

The bill requires local governments to amend their comprehensive plan within six months. It is unknown if this time constraint will have a cost impact on local governments or the Department of Community Affairs.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on March 24, 2009:

Committee Substitute for Senate Bill 2572 is different from Senate Bill 2572 in that it changes language to clarify that the applicant's comprehensive plan amendment must ensure that any adverse environmental impacts caused by the expanded, rural agricultural industrial center will be adequately addressed.

B. Amendments:

None.