

Bill No. CS for CS for SB 2152

Amendment No. Barcode 120382

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/25/2003 10:33 AM	.	
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11	Senator Clary moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 2, line 23 thru Page 5, Line 13, delete those		
15	lines		
16			
17	and insert:		
18	Section 1. Subsection (32) is added to section		
19	163.3164, Florida Statutes, to read:		
20	163.3164 Local Government Comprehensive Planning and		
21	Land Development Regulation Act; definitions.--As used in this		
22	act:		
23	(32) <u>"Military installation" means a base, camp, post,</u>		
24	<u>homeport facility for any ship, or other location under the</u>		
25	<u>jurisdiction of the Department of Defense, including any</u>		
26	<u>leased facility. Such term does not include any facility used</u>		
27	<u>primarily for civil works, docking facilities, rivers and</u>		
28	<u>harbors projects, or flood control projects.</u>		
29	Section 2. Paragraph (a) of subsection (6) and		
30	paragraph (1) of subsection (10) of section 163.3177, Florida		
31	Statutes, are amended to read:		

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1 163.3177 Required and optional elements of
2 comprehensive plan; studies and surveys.--

3 (6) In addition to the requirements of subsections
4 (1)-(5), the comprehensive plan shall include the following
5 elements:

6 (a) A future land use plan element designating
7 proposed future general distribution, location, and extent of
8 the uses of land for residential uses, commercial uses,
9 industry, agriculture, recreation, conservation, education,
10 public buildings and grounds, other public facilities, and
11 other categories of the public and private uses of land. Each
12 future land use category must be defined in terms of uses
13 included, and must include standards to be followed in the
14 control and distribution of population densities and building
15 and structure intensities. The proposed distribution,
16 location, and extent of the various categories of land use
17 shall be shown on a land use map or map series which shall be
18 supplemented by goals, policies, and measurable objectives.
19 The future land use plan shall be based upon surveys, studies,
20 and data regarding the area, including the amount of land
21 required to accommodate anticipated growth; the projected
22 population of the area; the character of undeveloped land; the
23 availability of public services; the need for redevelopment,
24 including the renewal of blighted areas and the elimination of
25 nonconforming uses which are inconsistent with the character
26 of the community; the compatibility with military
27 installations; and, in rural communities, the need for job
28 creation, capital investment, and economic development that
29 will strengthen and diversify the community's economy. The
30 future land use plan may designate areas for future planned
31 development use involving combinations of types of uses for

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1 | which special regulations may be necessary to ensure
2 | development in accord with the principles and standards of the
3 | comprehensive plan and this act. In addition, for rural
4 | communities, the amount of land designated for future planned
5 | industrial use shall be based upon surveys and studies that
6 | reflect the need for job creation, capital investment, and the
7 | necessity to strengthen and diversify the local economies, and
8 | shall not be limited solely by the projected population of the
9 | rural community. The future land use plan of a county may also
10 | designate areas for possible future municipal incorporation.
11 | The land use maps or map series shall generally identify and
12 | depict historic district boundaries and shall designate
13 | historically significant properties meriting protection. The
14 | future land use element must clearly identify the land use
15 | categories in which public schools are an allowable use. When
16 | delineating the land use categories in which public schools
17 | are an allowable use, a local government shall include in the
18 | categories sufficient land proximate to residential
19 | development to meet the projected needs for schools in
20 | coordination with public school boards and may establish
21 | differing criteria for schools of different type or size.
22 | Each local government shall include lands contiguous to
23 | existing school sites, to the maximum extent possible, within
24 | the land use categories in which public schools are an
25 | allowable use. All comprehensive plans must comply with the
26 | school siting requirements of this paragraph no later than
27 | October 1, 1999. The failure by a local government to comply
28 | with these school siting requirements by October 1, 1999, will
29 | result in the prohibition of the local government's ability to
30 | amend the local comprehensive plan, except for plan amendments
31 | described in s. 163.3187(1)(b), until the school siting

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1 requirements are met. Amendments proposed by a local
2 government for purposes of identifying the land use categories
3 in which public schools are an allowable use or for adopting
4 or amending the school-siting maps pursuant to s. 163.31776(3)
5 are exempt from the limitation on the frequency of plan
6 amendments contained in s. 163.3187. The future land use
7 element shall include criteria that encourage the location of
8 schools proximate to urban residential areas to the extent
9 possible and shall require that the local government seek to
10 collocate public facilities, such as parks, libraries, and
11 community centers, with schools to the extent possible and to
12 encourage the use of elementary schools as focal points for
13 neighborhoods. For schools serving predominantly rural
14 counties, defined as a county with a population of 100,000 or
15 fewer, an agricultural land use category shall be eligible for
16 the location of public school facilities if the local
17 comprehensive plan contains school siting criteria and the
18 location is consistent with such criteria.

19 (10) The Legislature recognizes the importance and
20 significance of chapter 9J-5, Florida Administrative Code, the
21 Minimum Criteria for Review of Local Government Comprehensive
22 Plans and Determination of Compliance of the Department of
23 Community Affairs that will be used to determine compliance of
24 local comprehensive plans. The Legislature reserved unto
25 itself the right to review chapter 9J-5, Florida
26 Administrative Code, and to reject, modify, or take no action
27 relative to this rule. Therefore, pursuant to subsection (9),
28 the Legislature hereby has reviewed chapter 9J-5, Florida
29 Administrative Code, and expresses the following legislative
30 intent:

31 (1) The state land planning agency shall consider land

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1 use compatibility issues in the vicinity of all airports in
2 coordination with the Department of Transportation, and for
3 military installations in coordination with the Department of
4 Defense.

5 Section 3. Section 163.31779, Florida Statutes, is
6 created to read:

7 163.31779 Military Installation Memorandum of
8 Agreement.--

9 (1)(a) The county or counties in which a military
10 installation is either wholly or partially located and those
11 municipalities adjacent to or proximate to the military
12 installation, as determined by the state land planning agency
13 based on the recommendations of the governing bodies of the
14 affected counties and municipalities and the commanding
15 officer whose primary responsibility is the operation of the
16 military installation, shall enter into a memorandum of
17 agreement with the military installation to coordinate future
18 land use changes including the local government comprehensive
19 plan, land development regulations, and development orders.

20 (b) The agreements shall be completed in accordance
21 with a schedule published by the state land planning agency.
22 The schedule must establish staggered due dates for completion
23 of such agreements that are executed by both the local
24 government and the military installation, concluding by July
25 1, 2004.

26 (c) The military installation, the county or counties
27 in which the military installation either wholly or partially
28 is located and the affected municipalities that are adjacent
29 to or proximate to the military installation as determined by
30 the state land planning agency are encouraged to adopt a
31 single memorandum of agreement to which all join as parties.

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1 The state land planning agency shall assemble and make
2 available model agreements meeting the requirements of this
3 section and shall notify local governments and military
4 installations of the requirements of this section. The state
5 land planning agency shall be available to informally review
6 proposed agreements.

7 (2) In preparing to adopt a memorandum of agreement,
8 the local government must seek advice from residents of the
9 local government and others who are likely to be affected by
10 its provisions including, but not limited to; builders,
11 developers, conservation groups, representatives of the United
12 States Armed Services, and neighborhood groups.

13 (3) At a minimum, the memorandum of agreement must:

14 (a) Coordinate planning activities between the local
15 government and military installation to determine how the
16 public health, safety, and welfare is likely to be affected by
17 the proximity of development to the military installation,
18 operating areas, and ranges.

19 (b) Coordinate planning activities between the local
20 government and military installation to make reasonable
21 provisions for preserving open space and compatible land uses
22 near the military installation.

23 (c) Coordinate planning activities between the local
24 government and military installation to evaluate land
25 proximate to the military installation taking into
26 consideration the findings of any Department of Defense Joint
27 Land Use Study Program, or the findings of any Air
28 Installation Compatible Use Zone (AICUZ) and of any
29 Installation Environmental Noise Management Program (IENMP,
30 which was formerly the Installation Compatible Use Zone, or
31 ICUZ, program).

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1 (d) Provide for a process by which the affected local
2 governments and military installation coordinate and share
3 information relating to comprehensive plans and plan
4 amendments, land development regulations and changes thereto
5 including zoning changes, and development orders. The
6 affected local governments shall provide the military
7 installation an opportunity to review and comment on
8 comprehensive plans, plan amendments, land development
9 regulations and changes thereto, and development orders. The
10 local government shall consider those comments, if any, when
11 adopting such plans or regulations or when approving
12 development orders. Comments on plan amendments may be
13 provided to the Department for consideration in its compliance
14 review.

15 (e) Provide for the resolution of disputes between the
16 military and local governments, which may include the dispute
17 resolution processes contained in chapters 164 and 186.

18 (f) Provide for an oversight process, including an
19 opportunity for public participation, for the implementation
20 of the memorandum of agreement.

21 (g) Provide for the identification of amendments to
22 the comprehensive plan needed to ensure compatibility with the
23 military installation and consistency with the interlocal
24 agreement.

25 (4) A memorandum of agreement entered into pursuant to
26 this section must be consistent with the adopted comprehensive
27 plan, or an amendment to such plan adopted within one year
28 after execution of the agreement, and land development
29 regulations of any local government that is a signatory.

30 (5) The commanding officer whose primary
31 responsibility is the operation of the military installation

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1 is encouraged to provide information about any community
2 planning assistance grants that might be available to the
3 local government through the federal Office of Economic
4 Adjustment, as an incentive for communities to participate in
5 the Joint Land Use Study Program to facilitate the
6 compatibility of community planning and activities vital to
7 the national defense.

8 Section 4. A new paragraph (m) is added to subsection
9 (1) of section 163.3187, Florida Statutes, to read:

10 163.3187 Amendment of adopted comprehensive plan.--

11 (1) Amendments to comprehensive plans adopted pursuant
12 to this part may be made not more than two times during any
13 calendar year, except:

14 (m) A comprehensive plan amendment that addresses
15 compatibility with military installations pursuant to the
16 military installation memorandum of agreement, does not count
17 toward the limitation on the frequency of plan amendments.

18 Section 5. A new paragraph (n) is added to subsection
19 (2) of section 163.3191, Florida Statutes, to read:

20 163.3191 Evaluation and appraisal of comprehensive
21 plan.--

22 (2) The report shall present an evaluation and
23 assessment of the comprehensive plan and shall contain
24 appropriate statements to update the comprehensive plan,
25 including, but not limited to, words, maps, illustrations, or
26 other media, related to:

27 (n) An evaluation of the success or failure of the
28 military installation memorandum of agreement in resolving
29 land use compatibility in the proximity of military
30 installations.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 6, to page 1, line 26 delete those
4 lines

5

6 and insert:

7 amending s. 163.3164, F.S., providing a
8 definition of military installations; amending
9 s. 163.3177, F.S., providing for consideration
10 of the compatibility with military
11 installations in developing a future land use
12 element to a comprehensive plan; providing for
13 the state land planning agency to coordinate
14 with the Department of Defense on use
15 compatibility issues relating to military
16 installations; creating s. 163.31779, F.S.,
17 requiring certain counties and municipalities
18 to enter into memoranda of agreement with
19 military installations to coordinate future
20 land use changes, local government
21 comprehensive plans, land development
22 regulations, and development orders; requiring
23 a schedule for completion of such agreements;
24 requiring local governments to seek public
25 advise on such agreements; identifying
26 provisions that must be included in such
27 agreements at a minimum; requiring such
28 agreements to be consistent with adopted
29 comprehensive plans or amendments to such plans
30 adopted within one year after execution of the
31 agreement; requiring for thr provision of

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1 information regarding community planning
2 assistance grants; amending s. 163.3187, F.S.,
3 exempting from certain restrictions on the
4 adoption of amendments to comprehensive plans
5 an amendment that addresses compatibility with
6 military installations based on a memorandum of
7 agreement; amending s. 163.3191, F.S.,
8 requiring an evaluation of the success or
9 failure of the military installation memorandum
10 of agreement in resolving land use
11 compatibility; amending s.

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