

By Senators Clary, Peaden and Fasano

4-397A-03

See HB 661

1 A bill to be entitled

2 An act relating to military readiness; creating

3 s. 163.3175, F.S.; providing legislative

4 findings relating to the compatibility of

5 development with military installations;

6 providing for an exchange of information

7 between certain local governments and military

8 bases or installations; requiring the local

9 government to consider the comments of the

10 commanding officer of a military base or

11 installation relating to potential adverse

12 effects on the base or installation which may

13 result from rezonings or changes in land use;

14 amending s. 163.3177, F.S.; providing that an

15 element relating to military readiness is a

16 mandatory element of the comprehensive plans

17 for certain local governments; requiring the

18 local governments to seek advice from

19 individuals who may be affected by this

20 element; providing factors that must be

21 considered in connection with this element;

22 amending s. 163.3187, F.S.; exempting from

23 certain restrictions on the adoption of

24 amendments to comprehensive plans an amendment

25 relating to military readiness; providing an

26 effective date.

27

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

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30 Section 1. Section 163.3175, Florida Statutes, is

31 created to read:

1 163.3175 Legislative findings on compatibility of
2 development with military bases and installations; exchange of
3 information between local governments and military bases and
4 installations.--

5 (1) The Legislature finds that incompatible
6 residential and commercial development of land close to
7 military bases or military installations can adversely affect
8 the ability of such a base or installation to carry out its
9 mission. The Legislature further finds that such development
10 also threatens the public safety because of the possibility of
11 accidents occurring within the areas surrounding a military
12 base or military installation. In addition, the economic
13 health of a community is affected if military operations and
14 missions must relocate because of urban encroachment.
15 Therefore, the Legislature finds it desirable for the local
16 governments in this state to cooperate with military bases and
17 installations to encourage compatible land use, help prevent
18 encroachment, and facilitate the continued presence of major
19 military bases and installations in this state.

20 (2) In any county that has a military base or
21 installation located within its boundaries, each local
22 government, including the county government, must transmit to
23 the commanding officer of the military base or installation
24 information regarding proposed changes in land use or proposed
25 rezonings that would, if approved, affect the density or use
26 of the property that is the subject of the application. The
27 commanding officer or his or her designee may submit to the
28 local government written comments regarding any adverse
29 effects that the proposed changes or rezonings may have on
30 military bases or installations, operating areas, or ranges,
31 including, but not limited to, the commanding officer's

1 opinion as to whether those proposed changes will violate the
2 safety and noise standards contained in the Air Installation
3 Compatible Use Zone (AICUZ) prepared for a military airfield
4 or whether the changes are incompatible with the Installation
5 Environmental Noise Management Program (IENMP) of the United
6 States Army. The commanding officer is encouraged to include
7 information about any community planning assistance grants
8 that might be available to the local government through the
9 federal Office of Economic Adjustment, as an incentive for
10 communities to participate in a joint planning process that
11 would facilitate the compatibility of community planning and
12 activities vital to the national defense. The local government
13 shall take the comments of the commanding officer or his or
14 her designee into consideration when rezoning or making
15 changes in land use.

16 Section 2. Paragraph (1) is added to subsection (6) of
17 section 163.3177, Florida Statutes, to read:

18 163.3177 Required and optional elements of
19 comprehensive plan; studies and surveys.--

20 (6) In addition to the requirements of subsections
21 (1)-(5), the comprehensive plan shall include the following
22 elements:

23 (1) For each unit of local government within a county
24 that has a military base or military installation within its
25 boundaries, a military readiness element. In preparing to
26 adopt this element, the local government must seek advice from
27 residents of the county and others who are likely to be
28 affected by the provisions therein, including, but not limited
29 to, builders and developers, conservation groups,
30 representatives of the armed services, and neighborhood
31 groups.

1 1. The military readiness element must take into
2 consideration how the public health, safety, and welfare is
3 likely to be affected by the proximity of residential areas to
4 military bases or installations, operating areas, and ranges
5 and must make reasonable provision for preserving open space
6 and compatible land uses near a military base or installation.

7 2. The military readiness element must also take into
8 consideration the findings of the Department of Defense Joint
9 Land Use Study Program, which promotes incorporating the
10 findings of the Air Installation Compatible Use Zone (AICUZ)
11 and of the Installation Environmental Noise Management Program
12 (IENMP, which was formerly the Installation Compatible Use
13 Zone, or ICUZ, program).

14 3. In counties that contain a military airfield, the
15 military readiness element must take into consideration the
16 extent to which the use of land surrounding the airfield is
17 consistent with the safety and noise standards contained in
18 the AICUZ prepared for that military airfield.

19 Section 3. Paragraph (m) is added to subsection (1) of
20 section 163.3187, Florida Statutes, to read:

21 163.3187 Amendment of adopted comprehensive plan.--

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

25 (m) A comprehensive plan amendment relating to
26 military readiness may be made at any time and does not count
27 toward the limitation on the frequency of plan amendments.

28 Section 4. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Relates to military readiness. Provides legislative findings relating to the compatibility of development with military bases and installations. Provides for an exchange of information between certain local governments and military bases or installations. Requires the local government to consider the comments of the commanding officer of a military base or installation relating to potential adverse effects on the base or installation which may result from rezonings or changes in land use. Provides that an element relating to military readiness is a mandatory element of the comprehensive plan for local governments in counties in which military bases or installations are located. Requires such local governments to seek advice from individuals who may be affected by this element. Provides factors that must be considered in connection with this element. Provides that a comprehensive plan amendment relating to military readiness may be made at any time and does not count toward the limitation on the frequency of plan amendments.