

1 Section 1. Section 163.3175, Florida Statutes, is
2 created to read:

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

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

21 (2) In any county that has a military installation
22 located within or adjacent to its boundaries, each local
23 government, including the county government, must transmit to
24 the commanding officer of the military installation
25 information regarding proposed changes in land use or proposed
26 rezonings that would, if approved, affect the intensity or
27 density or use of the property that is the subject of the
28 application and is within an area of interest identified by
29 the base commander. The commanding officer or his or her
30 designee may submit to the local government written comments
31 regarding any adverse effects that the proposed changes or

1 rezonings may have on military installations, operating areas,
2 or ranges, including, but not limited to, the commanding
3 officer's opinion as to whether those proposed changes will
4 violate the safety and noise standards contained in the Air
5 Installation Compatible Use Zone (AICUZ) prepared for a
6 military airfield or whether the changes are incompatible with
7 the Installation Environmental Noise Management Program
8 (IENMP) of the United States Army. The commanding officer may
9 copy the state land planning agency with any comments on
10 proposed comprehensive plan changes. The commanding officer is
11 encouraged to include information about any community planning
12 assistance grants that might be available to the local
13 government through the federal Office of Economic Adjustment,
14 as an incentive for communities to participate in a joint
15 planning process that would facilitate the compatibility of
16 community planning and activities vital to the national
17 defense. The local government shall take the comments of the
18 commanding officer or his or her designee into consideration
19 when rezoning or making changes in land use.

20 (3) As used in this section, the term "military
21 installation" means a base, camp, post, station, yard, center,
22 homeport facility for any ship, or other location under the
23 jurisdiction of the Department of Defense, including any
24 leased facility. Such term does not include any facility used
25 primarily for civil works, rivers and harbors projects, or
26 flood control projects.

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

29 163.3177 Required and optional elements of
30 comprehensive plan; studies and surveys.--

31

1 (6) In addition to the requirements of subsections
2 (1)-(5), the comprehensive plan shall include the following
3 elements:

4 (1) Each unit of local government impacted by a
5 military installation within or adjacent to its boundaries, a
6 military readiness element. In preparing to adopt this
7 element, the local government must seek advice from residents
8 of the county and others who are likely to be affected by the
9 provisions therein, including, but not limited to, builders
10 and developers, conservation groups, representatives of the
11 armed services, and neighborhood groups.

12 1. The military readiness element must take into
13 consideration how the public health, safety, and welfare is
14 likely to be affected by the proximity of development to
15 military installations, operating areas, and ranges and must
16 make reasonable provision for preserving open space and
17 compatible land uses near a military installation.

18 2. The military readiness element must also take into
19 consideration the findings of the Department of Defense Joint
20 Land Use Study Program, which promotes incorporating the
21 findings of the Air Installation Compatible Use Zone (AICUZ)
22 and of the Installation Environmental Noise Management Program
23 (IENMP, which was formerly the Installation Compatible Use
24 Zone, or ICUZ, program).

25 3. In counties that contain or border on a military
26 airfield, the military readiness element must take into
27 consideration the extent to which the use of land surrounding
28 the airfield is consistent with the safety and noise standards
29 contained in the AICUZ prepared for that military airfield.

30 4. Local governments required to update or amend their
31 comprehensive plan to include a military readiness element

1 pursuant to this act shall transmit the updated element by
2 June 30, 2004.

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

5 163.3187 Amendment of adopted comprehensive plan.--

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

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

12 Section 4. This act shall take effect upon becoming a
13 law.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 2152

18 The committee substitute keeps the same processes created in
19 the bill, but focuses on only the local governments that would
20 be affected by the military installation rather than all local
21 governments within a county that has a military installation.

22 Local governments would have to provide information on the
23 proposed changes to a base commander not only when the
24 proposed changes effect the density or use of the property,
25 but also when such changes would effect the intensity of the
26 property.

27 The military readiness element must consider how the health,
28 safety, and welfare is likely to be affected by the proximity
29 of development to military installations rather than the
30 proximity of residential areas.

31 A definition of "military installation" is provided.

Local governments required to update or amend their comp plan
to include a military readiness element must do so by June 30,
2004.