

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Evers offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

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

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

(1) The Legislature finds that incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission. The Legislature further finds that such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation. In addition, the economic health of a community is affected if military operations and missions must relocate because of urban

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28 encroachment. Therefore, the Legislature finds it desirable for
29 the local governments in the state to cooperate with military
30 installations to encourage compatible land use, help prevent
31 encroachment, and facilitate the continued presence of major
32 military installations in this state.

33 Section 2. Subsection (32) is added to section 163.3164,
34 Florida Statutes, to read:

35 163.3164 Local Government Comprehensive Planning and Land
36 Development Regulation Act; definitions.--As used in this act:

37 (32) "Military installation" means a base, camp, post,
38 homeport facility for any ship, or other location under the
39 jurisdiction of the Department of Defense, including any leased
40 facility. Such term does not include any facility used
41 primarily for civil works, docking facilities, rivers and
42 harbors projects, or flood control projects.

43 Section 3. Paragraph (a) of subsection (6) and paragraph
44 (1) of subsection (10) of section 163.3177, Florida Statutes,
45 are amended to read:

46 163.3177 Required and optional elements of comprehensive
47 plan; studies and surveys.--

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

51 (a) A future land use plan element designating proposed
52 future general distribution, location, and extent of the uses of
53 land for residential uses, commercial uses, industry,
54 agriculture, recreation, conservation, education, public
55 buildings and grounds, other public facilities, and other
56 categories of the public and private uses of land. Each future

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57 land use category must be defined in terms of uses included, and
58 must include standards to be followed in the control and
59 distribution of population densities and building and structure
60 intensities. The proposed distribution, location, and extent of
61 the various categories of land use shall be shown on a land use
62 map or map series which shall be supplemented by goals,
63 policies, and measurable objectives. The future land use plan
64 shall be based upon surveys, studies, and data regarding the
65 area, including the amount of land required to accommodate
66 anticipated growth; the projected population of the area; the
67 character of undeveloped land; the availability of public
68 services; the need for redevelopment, including the renewal of
69 blighted areas and the elimination of nonconforming uses which
70 are inconsistent with the character of the community; the
71 compatibility with military installations; and, in rural
72 communities, the need for job creation, capital investment, and
73 economic development that will strengthen and diversify the
74 community's economy. The future land use plan may designate
75 areas for future planned development use involving combinations
76 of types of uses for which special regulations may be necessary
77 to ensure development in accord with the principles and
78 standards of the comprehensive plan and this act. In addition,
79 for rural communities, the amount of land designated for future
80 planned industrial use shall be based upon surveys and studies
81 that reflect the need for job creation, capital investment, and
82 the necessity to strengthen and diversify the local economies,
83 and shall not be limited solely by the projected population of
84 the rural community. The future land use plan of a county may
85 also designate areas for possible future municipal

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86 incorporation. The land use maps or map series shall generally
87 identify and depict historic district boundaries and shall
88 designate historically significant properties meriting
89 protection. The future land use element must clearly identify
90 the land use categories in which public schools are an allowable
91 use. When delineating the land use categories in which public
92 schools are an allowable use, a local government shall include
93 in the categories sufficient land proximate to residential
94 development to meet the projected needs for schools in
95 coordination with public school boards and may establish
96 differing criteria for schools of different type or size. Each
97 local government shall include lands contiguous to existing
98 school sites, to the maximum extent possible, within the land
99 use categories in which public schools are an allowable use. All
100 comprehensive plans must comply with the school siting
101 requirements of this paragraph no later than October 1, 1999.
102 The failure by a local government to comply with these school
103 siting requirements by October 1, 1999, will result in the
104 prohibition of the local government's ability to amend the local
105 comprehensive plan, except for plan amendments described in s.
106 163.3187(1)(b), until the school siting requirements are met.
107 Amendments proposed by a local government for purposes of
108 identifying the land use categories in which public schools are
109 an allowable use or for adopting or amending the school-siting
110 maps pursuant to s. 163.31776(3) are exempt from the limitation
111 on the frequency of plan amendments contained in s. 163.3187.
112 The future land use element shall include criteria that
113 encourage the location of schools proximate to urban residential
114 areas to the extent possible and shall require that the local

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115 government seek to collocate public facilities, such as parks,
116 libraries, and community centers, with schools to the extent
117 possible and to encourage the use of elementary schools as focal
118 points for neighborhoods. For schools serving predominantly
119 rural counties, defined as a county with a population of 100,000
120 or fewer, an agricultural land use category shall be eligible
121 for the location of public school facilities if the local
122 comprehensive plan contains school siting criteria and the
123 location is consistent with such criteria.

124 (10) The Legislature recognizes the importance and
125 significance of chapter 9J-5, Florida Administrative Code, the
126 Minimum Criteria for Review of Local Government Comprehensive
127 Plans and Determination of Compliance of the Department of
128 Community Affairs that will be used to determine compliance of
129 local comprehensive plans. The Legislature reserved unto itself
130 the right to review chapter 9J-5, Florida Administrative Code,
131 and to reject, modify, or take no action relative to this rule.
132 Therefore, pursuant to subsection (9), the Legislature hereby
133 has reviewed chapter 9J-5, Florida Administrative Code, and
134 expresses the following legislative intent:

135 (1) The state land planning agency shall consider land use
136 compatibility issues in the vicinity of all airports in
137 coordination with the Department of Transportation, and for
138 military installations in coordination with the Department of
139 Defense.

140 Section 4. Section 163.31779, Florida Statutes, is created
141 to read:

142 163.31779 Military Installation Memorandum of Agreement.--

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143 (1)(a) The county or counties in which a military
144 installation is either wholly or partially located and those
145 municipalities adjacent to or proximate to the military
146 installation, as determined by the state land planning agency
147 based on the recommendations of the governing bodies of the
148 affected counties and municipalities and the commanding officer
149 whose primary responsibility is the operation of the military
150 installation, shall enter into a memorandum of agreement with
151 the military installation to coordinate future land use changes
152 including the local government comprehensive plan, land
153 development regulations, and development orders.

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

159 (c) The military installation, the county or counties in
160 which the military installation either wholly or partially is
161 located and the affected municipalities that are adjacent to or
162 proximate to the military installation as determined by the
163 state land planning agency are encouraged to adopt a single
164 memorandum of agreement to which all join as parties. The state
165 land planning agency shall assemble and make available model
166 agreements meeting the requirements of this section and shall
167 notify local governments and military installations of the
168 requirements of this section. The state land planning agency
169 shall be available to informally review proposed agreements.

170 (2) In preparing to adopt a memorandum of agreement, the
171 local government must seek advice from residents of the local

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172 government and others who are likely to be affected by its
173 provisions including, but not limited to; builders, developers,
174 conservation groups, representatives of the United States Armed
175 Services, and neighborhood groups.

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

177 (a) Coordinate planning activities between the local
178 government and military installation to determine how the public
179 health, safety, and welfare is likely to be affected by the
180 proximity of development to the military installation, operating
181 areas, and ranges.

182 (b) Coordinate planning activities between the local
183 government and military installation to make reasonable
184 provisions for preserving open space and compatible land uses
185 near the military installation.

186 (c) Coordinate planning activities between the local
187 government and military installation to evaluate land proximate
188 to the military installation taking into consideration the
189 findings of any Department of Defense Joint Land Use Study
190 Program, or the findings of any Air Installation Compatible Use
191 Zone(AICUZ) and of any Installation Environmental Noise
192 Management Program (IENMP, which was formerly the Installation
193 Compatible Use Zone, or ICUZ, program).

194 (d) Provide for a process by which the affected local
195 governments and military installation coordinate and share
196 information relating to comprehensive plans and plan amendments,
197 land development regulations and changes thereto including
198 zoning changes, and development orders. The affected local
199 governments shall provide the military installation an
200 opportunity to review and comment on comprehensive plans, plan

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201 amendments, land development regulations and changes thereto,
202 and development orders. The local government shall consider
203 those comments, if any, when adopting such plans or regulations
204 or when approving development orders. Comments on plan
205 amendments may be provided to the Department for consideration
206 in its compliance review.

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

210 (f) Provide for an oversight process, including an
211 opportunity for public participation, for the implementation of
212 the memorandum of agreement.

213 (g) Provide for the identification of amendments to the
214 comprehensive plan needed to ensure compatibility with the
215 military installation and consistency with the interlocal
216 agreement.

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

222 (5) The commanding officer whose primary responsibility is
223 the operation of the military installation is encouraged to
224 provide information about any community planning assistance
225 grants that might be available to the local government through
226 the federal Office of Economic Adjustment, as an incentive for
227 communities to participate in the Joint Land Use Study Program
228 to facilitate the compatibility of community planning and
229 activities vital to the national defense.

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230 Section 5. A new paragraph (m) is added to subsection (1)
231 of section 163.3187, Florida Statutes, to read:

232 163.3187 Amendment of adopted comprehensive plan.--

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

236 (m) A comprehensive plan amendment that addresses
237 compatibility with military installations pursuant to the
238 military installation memorandum of agreement, does not count
239 toward the limitation on the frequency of plan amendments.

240 Section 6. A new paragraph (n) is added to subsection (2)
241 of section 163.3191, Florida Statutes, to read:

242 163.3191 Evaluation and appraisal of comprehensive plan.--

243 (2) The report shall present an evaluation and assessment
244 of the comprehensive plan and shall contain appropriate
245 statements to update the comprehensive plan, including, but not
246 limited to, words, maps, illustrations, or other media, related
247 to:

248 (n) An evaluation of the success or failure of the
249 military installation memorandum of agreement in resolving land
250 use compatibility in the proximity of military installations.

251 Section 7. Effective upon this act becoming law,
252 subsection (13) is added to section 163.3167, Florida Statutes,
253 to read:

254 163.3167 Scope of act.--

255 (13)(a) If a local government grants a quasi-judicial
256 development order pursuant to its adopted land development
257 regulations and the order is not the subject of a pending
258 appeal, the right to commence and complete development pursuant

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259 to the order may not be abrogated by a subsequent judicial
260 determination that such land development regulations or any
261 portion thereof are invalid because of a deficiency in the
262 approval standards.

263 (b) This subsection does not preclude or affect the timely
264 institution of a common law writ of certiorari proceeding
265 pursuant to Rule 9.190, Florida Rules of Appellate Procedure or
266 original proceedings pursuant to s. 163.3215.

267 (c) This subsection applies retroactively to any order
268 granted on or after January 1, 2002.

269 Section 8. This act shall take effect July 1, 2003, except
270 that this section and section 4 of this act shall take effect
271 upon becoming a law.

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

274 Remove the entire title, and insert:

275 A bill to be entitled

276 An act relating to military readiness; creating s.
277 163.3175, F.S.; providing legislative findings relating to
278 the compatibility of development with military
279 installations; amending s. 163.3164, F.S.; providing a
280 definition of military installations; amending s.
281 163.3177, F.S.; providing for consideration of the
282 compatibility with military installations in developing a
283 future land use element to a comprehensive plan; providing
284 for the state land planning agency to coordinate with the
285 Department of Defense on use compatibility issues relating
286 to military installations; creating s. 163.31779, F.S.;
287 requiring certain counties and municipalities to enter

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288 into memoranda of agreement with military installations to
289 coordinate future land use changes, local government
290 comprehensive plans, land development regulations, and
291 development orders; requiring a schedule for completion of
292 such agreements; requiring local governments to seek
293 public advice on such agreements; identifying provisions
294 that must be included in such agreements at a minimum;
295 requiring such agreements to be consistent with adopted
296 comprehensive plans or amendments to such plans adopted
297 within one year after execution of the agreement;
298 providing for the provision of information regarding
299 community planning assistance grants; amending s.
300 163.3187, F.S.; exempting from certain restrictions on the
301 adoption of amendments to comprehensive plans an amendment
302 that addresses compatibility with military installations
303 based on a memorandum of agreement; amending s. 163.3191,
304 F.S.; requiring an evaluation of the success or failure of
305 the military installation memorandum of agreement in
306 resolving land use compatibility; amending s. 163.3167,
307 F.S.; prohibiting certain judicial abrogation of quasi-
308 judicial development orders issued by local governments;
309 providing for retroactive application; providing effective
310 dates.