



HB 0661

2003
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CHAMBER ACTION

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6 The Committee on Local Government & Veterans' Affairs recommends
7 the following:

8
9 **Committee Substitute**

10 Remove the entire bill and insert:

11 A bill to be entitled

12 An act relating to military readiness; amending s.
13 163.3164, F.S.; defining the term "military
14 installations"; creating s. 163.3175, F.S.; providing
15 legislative findings relating to the compatibility of
16 development with military installations; providing for an
17 exchange of information between certain local governments
18 and military installations; requiring the local government
19 to consider the comments of the commanding officer of a
20 military installation relating to potential adverse
21 effects on the installation which may result from
22 rezonings or changes in land use; amending s. 163.3177,
23 F.S.; providing that an element relating to military
24 readiness is a mandatory element of the comprehensive
25 plans for certain local governments; requiring the local
26 governments to seek advice from individuals who may be
27 affected by this element; providing factors that must be
28 considered in connection with this element; requiring



HB 0661

2003
CS

29 certain local governments to update the military readiness
30 element by June 30, 2004; providing an exemption; amending
31 s. 163.3187, F.S.; exempting from certain restrictions on
32 the adoption of amendments to comprehensive plans an
33 amendment relating to military readiness; providing an
34 effective date.

35

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

37

38 Section 1. Subsection (32) is added to section 163.3164,
39 Florida Statutes, to read:

40 163.3164 Local Government Comprehensive Planning and Land
41 Development Regulation Act; definitions.--As used in this act:

42 (32) "Military installation" means a base, camp, post,
43 station, yard, center, homeport facility for any ship, or other
44 location under the jurisdiction of the Department of Defense,
45 including any leased facility. Such term does not include any
46 facility used primarily for civil works, river and harbor
47 projects, or flood control projects.

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

50 163.3175 Legislative findings on compatibility of
51 development with military installations; exchange of information
52 between local governments and military installations.--

53 (1) The Legislature finds that incompatible development of
54 land close to a military installation can adversely affect the
55 ability of such an installation to carry out its mission. The
56 Legislature further finds that such development also threatens



HB 0661

2003
CS

57 the public safety because of the possibility of accidents
58 occurring within the areas surrounding a military installation.
59 In addition, the economic health of a community is affected if
60 military operations and missions must relocate because of urban
61 encroachment. Therefore, the Legislature finds it desirable for
62 the local governments in this state to cooperate with military
63 installations to encourage compatible land use, help prevent
64 encroachment, and facilitate the continued presence of major
65 military installations in this state.

66 (2) A county or counties in which a military installation
67 is either wholly or partially located, and those municipalities
68 as determined by the governing bodies of the affected counties
69 and municipalities and the commanding officer whose primary
70 concern is the operation of the military installation, shall
71 transmit to the commanding officer of the military installation
72 information regarding proposed changes in land use or proposed
73 rezonings that would, if approved, affect the density or use of
74 the property that is the subject of the application and is
75 within an area of interest previously identified by the
76 commanding officer. The commanding officer or his or her
77 designee may submit to the local government written comments
78 regarding any adverse effects that the proposed changes or
79 rezonings may have on military installations, operating areas,
80 or ranges, including, but not limited to, the commanding
81 officer's opinion as to whether those proposed changes will
82 violate the safety and noise standards contained in the Air
83 Installation Compatible Use Zone (AICUZ) prepared for a military
84 airfield or whether the changes are incompatible with the



HB 0661

2003
CS

85 Installation Environmental Noise Management Program (IENMP) of
 86 the United States Army. The commanding officer may provide the
 87 state land planning agency with copies of any comments on
 88 proposed comprehensive plan changes. The commanding officer is
 89 encouraged to include information about any community planning
 90 assistance grants that may be available to the local government
 91 through the federal Office of Economic Adjustment, as an
 92 incentive for communities to participate in a joint planning
 93 process that would facilitate the compatibility of community
 94 planning and activities vital to the national defense. The local
 95 government should take the comments of the commanding officer or
 96 his or her designee into consideration when rezoning or making
 97 changes in land use.

98 Section 3. Paragraph (1) is added to subsection (6) of
 99 section 163.3177, Florida Statutes, to read:

100 163.3177 Required and optional elements of comprehensive
 101 plan; studies and surveys.--

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

105 (1) For any county or counties in which a military
 106 installation is either wholly or partially located and those
 107 municipalities as determined by the governing bodies of the
 108 affected counties and municipalities and the commanding officer
 109 whose primary concern is the operation of the military
 110 installation , a military readiness element. In preparing to
 111 adopt this element, the local government must seek advice from
 112 residents of the county and others who are likely to be affected



HB 0661

2003
CS

113 by the provisions therein, including, but not limited to,
114 builders and developers, conservation groups, representatives of
115 the armed services, and neighborhood groups.

116 1. The military readiness element must take into
117 consideration how the public health, safety, and welfare is
118 likely to be affected by the proximity of development to
119 military installations, operating areas, and ranges and must
120 make reasonable provision for preserving open space and
121 compatible land uses near a military installation.

122 2. The military readiness element must also take into
123 consideration the findings of the Department of Defense Joint
124 Land Use Study Program, which promotes incorporating the
125 findings of the Air Installation Compatible Use Zone (AICUZ) and
126 of the Installation Environmental Noise Management Program
127 (IENMP, which was formerly the Installation Compatible Use Zone,
128 or ICUZ, program).

129 3. For each unit of local government as defined in this
130 paragraph, the military readiness element must take into
131 consideration the extent to which the use of land surrounding
132 the airfield is consistent with the safety and noise standards
133 contained in the AICUZ prepared for that military airfield.

134 4. Each unit of local government as defined in this
135 paragraph is required to update the military readiness element
136 pursuant to this act shall transmit the updated element by June
137 30, 2004.

138 5. A local government which, prior to January 1, 2003, has
139 entered into memoranda of understanding with a military
140 installation within the geographic boundaries of the local



HB 0661

2003
CS

141 | government which address, at a minimum, employment, emergency
142 | preparedness, recreation, law enforcement, mutual aid, and
143 | housing and which, prior to September 1, 2003, amends its zoning
144 | code to include a representative of the military installation as
145 | a member of the local development review committee shall be
146 | exempt from the requirement to prepare a military readiness
147 | element as a mandatory element of its comprehensive plan but may
148 | prepare such an element as an optional element.

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

151 | 163.3187 Amendment of adopted comprehensive plan.--

152 | (1) Amendments to comprehensive plans adopted pursuant to
153 | this part may be made not more than two times during any
154 | calendar year, except:

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

158 | Section 5. This act shall take effect upon becoming a law.