

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Evers offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 91 and 92 insert:

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6 Section 3. Section 163.3175, Florida Statutes, is created
7 to read:

8 163.3175 Legislative findings on compatibility of
9 development with military installations; exchange of information
10 between local governments and military installations.--

11 (1) The Legislature finds that incompatible development of
12 land close to military installations can adversely affect the
13 ability of such an installation to carry out its mission. The
14 Legislature further finds that such development also threatens
15 the public safety because of the possibility of accidents
16 occurring within the areas surrounding a military installation.

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17 In addition, the economic vitality of a community is affected
18 when military operations and missions must relocate because of
19 incompatible urban encroachment. Therefore, the Legislature
20 finds it desirable for the local governments in the state to
21 cooperate with military installations to encourage compatible
22 land use, help prevent incompatible encroachment, and facilitate
23 the continued presence of major military installations in this
24 state.

25 (2) Each county in which a military installation is either
26 wholly or partially located and each affected local government
27 must transmit to the commanding officer of that installation
28 information relating to proposed changes to comprehensive plans,
29 plan amendments, and proposed changes to land development
30 regulations which, if approved, would affect the intensity,
31 density, or use of the land adjacent to or in close proximity to
32 the military installation. Each county and affected local
33 government shall provide the military installation an
34 opportunity to review and comment on the proposed changes.

35 (3) The commanding officer or his or her designee may
36 provide comments to the county or affected local government on
37 the impact such proposed changes may have on the mission of the
38 military installation. Such comments may include:

39 (a) If the installation has an airfield, whether such
40 proposed changes will be incompatible with the safety and noise
41 standards contained in the Air Installation Compatible Use Zone
42 adopted by the military installation for that airfield;

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43 (b) Whether such changes are incompatible with the
44 Installation Environmental Noise Management Program of the
45 United States Army;

46 (c) Whether such changes are incompatible with the
47 findings of a Joint Land Use Study for the area if one has been
48 completed; and

49 (d) Whether the military installation's mission will be
50 adversely affected by the proposed actions of the county or
51 affected local government.

52 (4) The county or affected local government shall take
53 into consideration any comments provided by the commanding
54 officer or his or her designee when making such decision
55 regarding comprehensive planning or land development regulation.
56 The county or affected local government shall forward a copy of
57 any such comments to the state land planning agency.

58 (5) To facilitate the exchange of information provided for
59 in this section, a representative of a military installation
60 acting on behalf of all military installations within that
61 jurisdiction shall be included as an ex officio, nonvoting
62 member of the county's or affected local government's land
63 planning agency.

64 (6) The commanding officer is encouraged to provide
65 information about any community planning assistance grants that
66 may be available to a county or affected local government
67 through the federal Office of Economic Adjustment as an
68 incentive for communities to participate in a joint planning
69 process that would facilitate the compatibility of community

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70 planning and the activities and mission of the military
71 installation.

72 (7) As used in this section, the term:

73 (a) "Affected local government" means a municipality
74 adjacent to or in close proximity to the military installation
75 as determined by the state land planning agency.

76 (b) "Military installation" means a base, camp, post,
77 station, airfield, yard, center, home port facility for any
78 ship, or other land area under the jurisdiction of the
79 Department of Defense, including any leased facility. Such term
80 does not include any facility used primarily for civil works,
81 rivers and harbors projects, or flood control projects.

82 Section 4. Paragraph (a) of subsection (6) and paragraph
83 (1) of subsection(10) of section 163.3177, Florida Statutes, are
84 amended to read:

85 163.3177 Required and optional elements of comprehensive
86 plan; studies and surveys.--

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

90 (a) A future land use plan element designating proposed
91 future general distribution, location, and extent of the uses of
92 land for residential uses, commercial uses, industry,
93 agriculture, recreation, conservation, education, public
94 buildings and grounds, other public facilities, and other
95 categories of the public and private uses of land. Each future
96 land use category must be defined in terms of uses included, and
97 must include standards to be followed in the control and

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98 distribution of population densities and building and structure
99 intensities. The proposed distribution, location, and extent of
100 the various categories of land use shall be shown on a land use
101 map or map series which shall be supplemented by goals,
102 policies, and measurable objectives. The future land use plan
103 shall be based upon surveys, studies, and data regarding the
104 area, including the amount of land required to accommodate
105 anticipated growth; the projected population of the area; the
106 character of undeveloped land; the availability of public
107 services; the need for redevelopment, including the renewal of
108 blighted areas and the elimination of nonconforming uses which
109 are inconsistent with the character of the community; the
110 compatibility of uses on lands adjacent to or closely proximate
111 to military installations; and, in rural communities, the need
112 for job creation, capital investment, and economic development
113 that will strengthen and diversify the community's economy. The
114 future land use plan may designate areas for future planned
115 development use involving combinations of types of uses for
116 which special regulations may be necessary to ensure development
117 in accord with the principles and standards of the comprehensive
118 plan and this act. The future land use plan element shall
119 include criteria to be used to achieve the compatibility of
120 adjacent or closely proximate lands with military installations.
121 In addition, for rural communities, the amount of land
122 designated for future planned industrial use shall be based upon
123 surveys and studies that reflect the need for job creation,
124 capital investment, and the necessity to strengthen and
125 diversify the local economies, and shall not be limited solely

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126 by the projected population of the rural community. The future
127 land use plan of a county may also designate areas for possible
128 future municipal incorporation. The land use maps or map series
129 shall generally identify and depict historic district boundaries
130 and shall designate historically significant properties meriting
131 protection. The future land use element must clearly identify
132 the land use categories in which public schools are an allowable
133 use. When delineating the land use categories in which public
134 schools are an allowable use, a local government shall include
135 in the categories sufficient land proximate to residential
136 development to meet the projected needs for schools in
137 coordination with public school boards and may establish
138 differing criteria for schools of different type or size. Each
139 local government shall include lands contiguous to existing
140 school sites, to the maximum extent possible, within the land
141 use categories in which public schools are an allowable use. All
142 comprehensive plans must comply with the school siting
143 requirements of this paragraph no later than October 1, 1999.
144 The failure by a local government to comply with these school
145 siting requirements by October 1, 1999, will result in the
146 prohibition of the local government's ability to amend the local
147 comprehensive plan, except for plan amendments described in s.
148 163.3187(1)(b), until the school siting requirements are met.
149 Amendments proposed by a local government for purposes of
150 identifying the land use categories in which public schools are
151 an allowable use or for adopting or amending the school-siting
152 maps pursuant to s. 163.31776(3) are exempt from the limitation
153 on the frequency of plan amendments contained in s. 163.3187.

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154 The future land use element shall include criteria that
155 encourage the location of schools proximate to urban residential
156 areas to the extent possible and shall require that the local
157 government seek to collocate public facilities, such as parks,
158 libraries, and community centers, with schools to the extent
159 possible and to encourage the use of elementary schools as focal
160 points for neighborhoods. For schools serving predominantly
161 rural counties, defined as a county with a population of 100,000
162 or fewer, an agricultural land use category shall be eligible
163 for the location of public school facilities if the local
164 comprehensive plan contains school siting criteria and the
165 location is consistent with such criteria. Local governments
166 required to update or amend their comprehensive plan to include
167 criteria and address compatibility of adjacent or closely
168 proximate lands with existing military installations in their
169 future land use plan element shall transmit the update or
170 amendment to the department by June 30, 2006.

171 (10) The Legislature recognizes the importance and
172 significance of chapter 9J-5, Florida Administrative Code, the
173 Minimum Criteria for Review of Local Government Comprehensive
174 Plans and Determination of Compliance of the Department of
175 Community Affairs that will be used to determine compliance of
176 local comprehensive plans. The Legislature reserved unto itself
177 the right to review chapter 9J-5, Florida Administrative Code,
178 and to reject, modify, or take no action relative to this rule.
179 Therefore, pursuant to subsection (9), the Legislature hereby
180 has reviewed chapter 9J-5, Florida Administrative Code, and
181 expresses the following legislative intent:

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182 (1) The state land planning agency shall consider land use
183 compatibility issues in the vicinity of all airports in
184 coordination with the Department of Transportation and adjacent
185 to or in close proximity to all military installations in
186 coordination with the Department of Defense.

187 Section 5. Paragraph (m) is added to subsection (1) of
188 section 163.3187, Florida Statutes, to read:

189 163.3187 Amendment of adopted comprehensive plan.--

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

193 (m) A comprehensive plan amendment that addresses criteria
194 or compatibility of land uses adjacent to or in close proximity
195 to military installations in a local government's future land
196 use element does not count toward the limitation on the
197 frequency of the plan amendments.

198 Section 6. Paragraph (n) is added to subsection (2) of
199 section 163.3191, Florida Statutes, to read:

200 163.3191 Evaluation and appraisal of comprehensive plan.--

201 (2) The report shall present an evaluation and assessment
202 of the comprehensive plan and shall contain appropriate
203 statements to update the comprehensive plan, including, but not
204 limited to, words, maps, illustrations, or other media, related
205 to:

206 (n) An assessment of whether the criteria adopted pursuant
207 to 163.3177(6)(a) was successful in achieving compatibility with
208 military installations.

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209 Section 7. Section 6. Present subsections (4), (5), (6),
210 (7), and (8) of section 288.980, Florida Statutes, are
211 renumbered as subsections (5),(6), (7), (8), and (9),
212 respectively, and a new subsection (4) is added to that section
213 to read:

214 288.980 Military base retention; legislative intent;
215 grants program.--

216 (4) The Defense Infrastructure Grant Program is created.
217 The Director of the Office of Tourism, Trade, and Economic
218 Development shall coordinate and implement this program, the
219 purpose of which is to support local infrastructure projects
220 deemed to have a positive impact on the military value of
221 installations within the state. The program shall support
222 projects that benefit both the local community and the military
223 installation other than on-base military construction projects.
224 Infrastructure projects under the grant program include, but are
225 not limited to, those related to encroachment, transportation
226 and access, utilities, communications, housing, environment, and
227 security. Grant requests will be accepted only from economic
228 development applicants serving in the official capacity of a
229 governing board of a county, municipality, special district, or
230 state agency that will have the authority to maintain the
231 project upon completion. An applicant must represent a community
232 or county in which a military installation is located. There is
233 no limit as to the amount of any grant awarded to an applicant.
234 A match by the county or local community may be required. The
235 Office of Tourism, Trade, and Economic Development shall

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236 | establish guidelines to implement the purpose of this
237 | subsection.

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239 | ===== T I T L E A M E N D M E N T =====

240 | Remove line 10 and insert:

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242 | requirements for exercise of such authority; creating s.
243 | 163.3175, F.S.; providing legislative findings on the
244 | compatibility of development with military installations;
245 | providing for the exchange of information relating to proposed
246 | land use decisions between counties and local governments and
247 | military installations; providing for responsive comments by the
248 | commanding officer or his or her designee; providing for the
249 | county or affected local government to take such comments into
250 | consideration; providing for a representative of the military
251 | installation to be an ex-officio, nonvoting member of the
252 | county's or local government's land planning agency; encouraging
253 | the commanding officer to provide information on community
254 | planning assistance grants; providing definitions; amending s.
255 | 163.3177, F.S.; providing for the future land use plan element
256 | of comprehensive plans to include compatibility of uses of lands
257 | adjacent to or closely proximate to military installations;
258 | requiring the inclusion of criteria; requiring local governments
259 | to update or amend their comprehensive plan by a certain date;
260 | providing for the coordination by the state land planning agency
261 | and the Department of Defense on compatibility issues for
262 | military installations; amending s. 163.3187, F.S.; providing
263 | that amendments that address criteria or compatibility of land

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HOUSE AMENDMENT

Bill No. HB 143

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264 uses do not count toward the limitation on frequency of amending
265 comprehensive plans; amending s. 163.3191, F.S.; providing that
266 evaluations of comprehensive plans include an assessment of
267 whether the criteria adopted pursuant to the future land use
268 plan element was successful in achieving compatibility with
269 military installations; amending s. 288.980, F.S.; creating the
270 Defense Infrastructure Grant Program; providing for purpose and
271 implementation of the program; providing an

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