

By the Committee on Military and Veterans' Affairs, Base Protection, and Spaceports; and Senators Fasano, Clary, Crist, Siplin, Lynn, Wasserman Schultz and Haridopolos

301-1181A-04

1 A bill to be entitled
2 An act relating to military affairs; creating
3 s. 14.2018, F.S.; creating the Office of
4 Military and State Relations; providing for its
5 powers and duties; creating s. 163.3175, F.S.;
6 providing legislative findings on the
7 compatibility of development with military
8 installations; providing for the exchange of
9 information relating to proposed land use
10 decisions between counties and local
11 governments and military installations;
12 providing for responsive comments by the
13 commanding officer or his or her designee;
14 providing for the county or affected local
15 government to take such comments into
16 consideration; providing for a representative
17 of the military installation to be an
18 ex-officio, nonvoting member of the county's or
19 local government's land planning or zoning
20 board; encouraging the commanding officer to
21 provide information on community planning
22 assistance grants; providing definitions;
23 amending s. 163.3177, F.S.; providing for the
24 future land use plan element of comprehensive
25 plans to include compatibility with military
26 installations; requiring the inclusion of
27 criteria; requiring local governments to update
28 or amend their comprehensive plan by a certain
29 date; providing for the coordination by the
30 state land planning agency and the Department
31 of Defense on compatibility issues for military

1 installations; amending s. 163.3187, F.S.;

2 providing that amendments to address

3 compatibility or include criteria do not count

4 toward the limitation on frequency of amending

5 comprehensive plans; amending s. 163.3191,

6 F.S.; providing that evaluations of

7 comprehensive plans include whether such

8 criteria were successful in resolving land use

9 compatibility uses around military

10 installations; amending s. 288.980, F.S.;

11 creating the Military Base Protection Grant

12 program; providing an appropriation to fund

13 such program; providing the purpose and for

14 implementation of the program; providing an

15 effective date.

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

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19 Section 1. Section 14.2018, Florida Statutes, is

20 created to read:

21 14.2018 Office of Military and State Relations;

22 creation; powers and duties.--

23 (1) The Office of Military and State Relations is

24 created within the Executive Office of the Governor. The

25 director of the Office of Military and State Relations shall

26 be appointed by, and serve at the pleasure of, the Governor.

27 (2) The purpose of the office is to assist the

28 Governor in working with the state's military installations,

29 unified commands, military communities, state agencies, and

30 economic development professionals to formulate and implement

31 strategies designed to protect Florida's bases from closure or

1 realignment, boost the state's economic well-being, and keep
2 Florida a military-friendly state. To accomplish such
3 purposes, the office shall:

4 (a) Advise and assist the Governor on issues relating
5 to the federal base realignment and closure process and other
6 base modifications occurring outside that process.

7 (b) Assist Enterprise Florida, Inc., in focusing the
8 state's resources on developing and expanding Florida's
9 military and associated defense industries.

10 (c) Assist the Florida Defense Alliance in its
11 activities of keeping Florida in a competitive position with
12 other states that have significant military populations.

13 (d) Interact with state agencies to determine how
14 those agencies can better serve host military communities and
15 Florida's military families.

16 (e) Assist the volunteer efforts by Florida's military
17 families and support groups that address quality-of-life
18 issues for our service men and women, their spouses, and their
19 dependents.

20 (f) Perform such other duties as the Governor directs.

21 (3) Activities of this office may not interfere with
22 the responsibilities or jurisdiction of the Department of
23 Military Affairs and of the Adjutant General under chapter
24 250.

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

27 163.3175 Legislative findings on compatibility of
28 development with military installations; exchange of
29 information between local governments and military
30 installations.--

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

15 (2) Each county in which a military installation is
16 either wholly or partially located and each affected local
17 government must transmit to the commanding officer of that
18 installation information relating to proposed changes to
19 comprehensive plans, plan amendments, and proposed changes to
20 land development regulations, including zoning changes and
21 development orders that, if approved, would affect the
22 intensity, density, or use of the land surrounding the
23 military installation. Each county and affected local
24 government shall provide the military installation an
25 opportunity to review and comment on the proposed changes.

26 (3) The commanding officer or his or her designee may
27 provide comments to the county or affected local government on
28 the impact such proposed changes may have on the military
29 installation. Such comments may include, but are not limited
30 to:
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1 (a) If the installation has an airfield, whether such
2 proposed changes will be incompatible with the safety and
3 noise standards contained in the Air Installation Compatible
4 Use Zone (AICUZ) prepared for that airfield;

5 (b) Whether such changes are incompatible with the
6 Installation Environmental Noise Management Program (IENMP) of
7 the United States Army;

8 (c) Whether such changes are incompatible with the
9 findings of a Joint Land Use Study (JLUS) for the area if one
10 has been completed;

11 (d) How the public health, safety, and welfare will be
12 impacted by any such incompatibility;

13 (e) Whether the changes support compatible land uses;
14 and

15 (f) Whether reasonable provisions are being made for
16 preserving open space.

17 (4) The county or affected local government shall take
18 into consideration any comments provided by the commanding
19 officer or his or her designee when making such comprehensive
20 planning, land development regulation, zoning, or development
21 order decision. The county or affected local government shall
22 forward a copy of any such comments to the state land planning
23 agency and the Office of Military and State Relations.

24 (5) To facilitate the exchange of information provided
25 for in this section, a representative of the military
26 installation shall be included as an exofficio, nonvoting
27 member of the county's or affected local government's land
28 planning or zoning board.

29 (6) The commanding officer is encouraged to provide
30 information about any community planning assistance grants
31 that may be available to a county or affected local government

1 through the federal Office of Economic Adjustment as an
2 incentive for communities to participate in a joint planning
3 process that would facilitate the compatibility of community
4 planning and the activities and mission of the military
5 installation.

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

7 (a) "Affected local government" means a municipality
8 adjacent to or proximate to the military installation as
9 determined by the state land planning agency.

10 (b) "Military installation" means a base, camp, post,
11 station, airfield, yard, center, homeport facility for any
12 ship, or other location under the jurisdiction of the
13 Department of Defense, including any leased facility. Such
14 term does not include any facility used primarily for civil
15 works, rivers and harbors projects, or flood control projects.

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

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

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

24 (a) A future land use plan element designating
25 proposed future general distribution, location, and extent of
26 the uses of land for residential uses, commercial uses,
27 industry, agriculture, recreation, conservation, education,
28 public buildings and grounds, other public facilities, and
29 other categories of the public and private uses of land. Each
30 future land use category must be defined in terms of uses
31 included, and must include standards to be followed in the

1 control and distribution of population densities and building
2 and structure intensities. The proposed distribution,
3 location, and extent of the various categories of land use
4 shall be shown on a land use map or map series which shall be
5 supplemented by goals, policies, and measurable objectives.
6 The future land use plan shall be based upon surveys, studies,
7 and data regarding the area, including the amount of land
8 required to accommodate anticipated growth; the projected
9 population of the area; the character of undeveloped land; the
10 availability of public services; the need for redevelopment,
11 including the renewal of blighted areas and the elimination of
12 nonconforming uses which are inconsistent with the character
13 of the community; the compatibility with military
14 installations; and, in rural communities, the need for job
15 creation, capital investment, and economic development that
16 will strengthen and diversify the community's economy. The
17 future land use plan may designate areas for future planned
18 development use involving combinations of types of uses for
19 which special regulations may be necessary to ensure
20 development in accord with the principles and standards of the
21 comprehensive plan and this act. The future land use plan
22 element shall include criteria to be used to achieve
23 compatibility with military installations. In addition, for
24 rural communities, the amount of land designated for future
25 planned industrial use shall be based upon surveys and studies
26 that reflect the need for job creation, capital investment,
27 and the necessity to strengthen and diversify the local
28 economies, and shall not be limited solely by the projected
29 population of the rural community. The future land use plan of
30 a county may also designate areas for possible future
31 municipal incorporation. The land use maps or map series shall

1 generally identify and depict historic district boundaries and
2 shall designate historically significant properties meriting
3 protection. The future land use element must clearly identify
4 the land use categories in which public schools are an
5 allowable use. When delineating the land use categories in
6 which public schools are an allowable use, a local government
7 shall include in the categories sufficient land proximate to
8 residential development to meet the projected needs for
9 schools in coordination with public school boards and may
10 establish differing criteria for schools of different type or
11 size. Each local government shall include lands contiguous to
12 existing school sites, to the maximum extent possible, within
13 the land use categories in which public schools are an
14 allowable use. All comprehensive plans must comply with the
15 school siting requirements of this paragraph no later than
16 October 1, 1999. The failure by a local government to comply
17 with these school siting requirements by October 1, 1999, will
18 result in the prohibition of the local government's ability to
19 amend the local comprehensive plan, except for plan amendments
20 described in s. 163.3187(1)(b), until the school siting
21 requirements are met. Amendments proposed by a local
22 government for purposes of identifying the land use categories
23 in which public schools are an allowable use or for adopting
24 or amending the school-siting maps pursuant to s. 163.31776(3)
25 are exempt from the limitation on the frequency of plan
26 amendments contained in s. 163.3187. The future land use
27 element shall include criteria that encourage the location of
28 schools proximate to urban residential areas to the extent
29 possible and shall require that the local government seek to
30 collocate public facilities, such as parks, libraries, and
31 community centers, with schools to the extent possible and to

1 encourage the use of elementary schools as focal points for
2 neighborhoods. For schools serving predominantly rural
3 counties, defined as a county with a population of 100,000 or
4 fewer, an agricultural land use category shall be eligible for
5 the location of public school facilities if the local
6 comprehensive plan contains school siting criteria and the
7 location is consistent with such criteria. Local governments
8 required to update or amend their comprehensive plan to
9 include criteria and address compatibility with existing
10 military installations in their future land use plan element
11 shall transmit the update or amendment to the department by
12 June 30, 2005.

13 (10) The Legislature recognizes the importance and
14 significance of chapter 9J-5, Florida Administrative Code, the
15 Minimum Criteria for Review of Local Government Comprehensive
16 Plans and Determination of Compliance of the Department of
17 Community Affairs that will be used to determine compliance of
18 local comprehensive plans. The Legislature reserved unto
19 itself the right to review chapter 9J-5, Florida
20 Administrative Code, and to reject, modify, or take no action
21 relative to this rule. Therefore, pursuant to subsection (9),
22 the Legislature hereby has reviewed chapter 9J-5, Florida
23 Administrative Code, and expresses the following legislative
24 intent:

25 (1) The state land planning agency shall consider land
26 use compatibility issues in the vicinity of all airports in
27 coordination with the Department of Transportation and for
28 military installations in coordination with the Department of
29 Defense.

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

1 163.3187 Amendment of adopted comprehensive plan.--

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

5 (m) A comprehensive plan amendment that addresses
6 criteria or compatibility with military installations in a
7 local government's future land use element does not count
8 toward the limitation on the frequency of the plan amendments.

9 Section 5. Paragraph (n) is added to subsection (2) of
10 section 163.3191, Florida Statutes, to read:

11 163.3191 Evaluation and appraisal of comprehensive
12 plan.--

13 (2) The report shall present an evaluation and
14 assessment of the comprehensive plan and shall contain
15 appropriate statements to update the comprehensive plan,
16 including, but not limited to, words, maps, illustrations, or
17 other media, related to:

18 (n) An evaluation of whether the criteria identified
19 in the future land use element were successful in resolving
20 land use compatibility issues around military installations.

21 Section 6. Present subsections (4), (5), (6), (7), and
22 (8) of section 288.980, Florida Statutes, are renumbered as
23 subsections (5), (6), (7), (8), and (9), respectively, and a
24 new subsection (4) is added to that section to read:

25 288.980 Military base retention; legislative intent;
26 grants program.--

27 (4) The Military Base Protection Grant Program is
28 created. The Director of the Office of Tourism, Trade, and
29 Economic Development shall coordinate and implement this
30 program. The sum of \$12 million is appropriated from the
31 General Revenue Fund for fiscal year 2004-2005 to the Office

1 of Tourism, Trade, and Economic Development for this program,
2 the purpose of which is to support local infrastructure
3 projects deemed to have a positive impact on the military
4 value of installations within the state. Funds are to be used
5 for projects that benefit both the local community and the
6 military installation. It is not the intent, however, to fund
7 on-base military construction projects. Infrastructure
8 projects to be funded under this program include, but are not
9 limited to, those related to encroachment, transportation and
10 access, utilities, communications, housing, environment, and
11 security. Grant requests will be accepted only from economic
12 development applicants serving in the official capacity of a
13 governing board of a county, municipality, special district,
14 or state agency that will have the authority to maintain the
15 project upon completion. An applicant must represent a
16 community or county in which a military installation is
17 located. There is no limit as to the amount of any grant
18 awarded to an applicant. A match by the county or local
19 community may be required. The Office of Tourism, Trade, and
20 Economic Development shall establish guidelines to implement
21 the purpose of this subsection.

22 Section 7. This act shall take effect upon becoming a
23 law.

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SENATE SUMMARY

Provides guidelines and state policies with respect to military bases, base closure, and development and land use in proximity to military bases. Provides for exchange of information between bases and entities of local government. Requires updates or amendments to comprehensive plans to be sent to the Department of Community Affairs by June 30, 2005. Provides that comprehensive plan amendments to address compatibility with military bases do not count against the limitation on such amendments. Provides appropriations to support local infrastructure projects that benefit local communities and military bases.