

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

316-2033-04

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 with military installations;
10 amending s. 288.980, F.S.; creating the
11 Military Base Protection Grant program;
12 providing an appropriation to fund such
13 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 incompatible urban
10 encroachment. Therefore, the Legislature finds it desirable
11 for the local governments in the state to cooperate with
12 military installations to encourage compatible land use, help
13 prevent incompatible encroachment, and facilitate the
14 continued presence of major military installations in this
15 state.

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

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

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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) adopted by the military installation for that
5 airfield;

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

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

12 (d) Whether the military installation's mission will
13 be adversely affected by the proposed actions of the county or
14 affected local government.

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

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

27 (6) The commanding officer is encouraged to provide
28 information about any community planning assistance grants
29 that may be available to a county or affected local government
30 through the federal Office of Economic Adjustment as an
31 incentive for communities to participate in a joint planning

1 process that would facilitate the compatibility of community
2 planning and the activities and mission of the military
3 installation.

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

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

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

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

17 163.3177 Required and optional elements of
18 comprehensive plan; studies and surveys.--

19 (6) In addition to the requirements of subsections
20 (1)-(5), the comprehensive plan shall include the following
21 elements:

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

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

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

1 of elementary schools as focal points for neighborhoods. For
2 schools serving predominantly rural counties, defined as a
3 county with a population of 100,000 or fewer, an agricultural
4 land use category shall be eligible for the location of public
5 school facilities if the local comprehensive plan contains
6 school siting criteria and the location is consistent with
7 such criteria. Local governments required to update or amend
8 their comprehensive plan to include criteria and address
9 compatibility of adjacent or closely proximate lands with
10 existing military installations in their future land use plan
11 element shall transmit the update or amendment to the
12 department by June 30, 2006.

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
28 adjacent to or in close proximity to all military
29 installations in coordination with the Department of 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 of land uses adjacent to or in close
7 proximity to military installations in a local government's
8 future land use element does not count toward the limitation
9 on the frequency of the plan amendments.

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

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

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

19 (n) An evaluation of whether the criteria identified
20 in the future land use element were successful in resolving
21 land use compatibility issues for land adjacent to or in close
22 proximity to military installations.

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

27 288.980 Military base retention; legislative intent;
28 grants program.--

29 (4) The Military Base Protection Grant Program is
30 created. The Director of the Office of Tourism, Trade, and
31 Economic Development shall coordinate and implement this

1 program. The sum of \$12 million is appropriated from the
2 General Revenue Fund for fiscal year 2004-2005 to the Office
3 of Tourism, Trade, and Economic Development for this program,
4 the purpose of which is to support local infrastructure
5 projects deemed to have a positive impact on the military
6 value of installations within the state. Funds are to be used
7 for projects that benefit both the local community and the
8 military installation. It is not the intent, however, to fund
9 on-base military construction projects. Infrastructure
10 projects to be funded under this program include, but are not
11 limited to, those related to encroachment, transportation and
12 access, utilities, communications, housing, environment, and
13 security. Grant requests will be accepted only from economic
14 development applicants serving in the official capacity of a
15 governing board of a county, municipality, special district,
16 or state agency that will have the authority to maintain the
17 project upon completion. An applicant must represent a
18 community or county in which a military installation is
19 located. There is no limit as to the amount of any grant
20 awarded to an applicant. A match by the county or local
21 community may be required. The Office of Tourism, Trade, and
22 Economic Development shall establish guidelines to implement
23 the purpose of this subsection.

24 Section 7. This act shall take effect upon becoming a
25 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1604

4 The committee substitute (CS) limits the issues that a
5 commanding officer or his or her designee may comment on with
6 regard to certain proposed land use changes and the affect
7 such changes, if approved, would have on a military
8 installation.

9 The CS amends the definition for the term affected local
10 government to require that a municipality be adjacent to or in
11 close proximity to a military installation as determined by
12 the state land planning agency. It revises the definition of
13 military installation to include other land area, as opposed
14 to other location, which is under the jurisdiction of the
15 Department of Defense.

16 This CS specifies that a local government shall include the
17 compatibility of uses on those lands that are adjacent to or
18 closely proximate to military installations in the future land
19 use plan element of its comprehensive plan. It also requires
20 that this element include criteria to be used in achieving the
21 compatibility of adjacent or closely proximate lands with
22 military installations. The CS extends the deadline, by one
23 year, to June 30, 2006, by which an affected local government
24 must transmit its update or amendment of its comprehensive
25 plan to include the above criteria and address the
26 compatibility of adjacent or closely proximate lands with
27 military installations.

28 In addition, the CS provides the agency shall only consider
29 compatibility issues for all airports that are adjacent to or
30 in close proximity to all military installations in
31 coordination with the Department of Defense. The CS provides
32 that a plan amendment addressing the required criteria or
33 compatibility of land uses adjacent to or in close proximity
34 to military installations in the future land use element of a
35 local government's comprehensive plan does not count towards
36 the twice-per-year limitation on the frequency of plan
37 amendments. Finally, it requires a local government's
38 evaluation and appraisal report to address whether the
39 criteria included in the future land use element were
40 successful in resolving compatibility issues for land adjacent
41 to or in close proximity to military installations.