

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

309-2375-04

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 Defense
11 Infrastructure Grant Program; providing the
12 purpose and for implementation of the program;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 14.2018, Florida Statutes, is
18 created to read:

19 14.2018 Office of Military and State Relations;
20 creation; powers and duties.--

21 (1) The Office of Military and State Relations is
22 created within the Executive Office of the Governor. The
23 director of the Office of Military and State Relations shall
24 be appointed by, and serve at the pleasure of, the Governor.

25 (2) The purpose of the office is to assist the
26 Governor in working with the state's military installations,
27 unified commands, military communities, state agencies, and
28 economic development professionals to formulate and implement
29 strategies designed to protect Florida's bases from closure or
30 realignment, boost the state's economic well-being, and keep

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1 Florida a military-friendly state. To accomplish such
2 purposes, the office shall:

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

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

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

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

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

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

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

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

26 163.3175 Legislative findings on compatibility of
27 development with military installations; exchange of
28 information between local governments and military
29 installations.--

30 (1) The Legislature finds that incompatible
31 development of land close to military installations can

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

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

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

29 (a) If the installation has an airfield, whether such
30 proposed changes will be incompatible with the safety and
31 noise standards contained in the Air Installation Compatible

1 Use Zone (AICUZ) adopted by the military installation for that
2 airfield;

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

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

9 (d) Whether the military installation's mission will
10 be adversely affected by the proposed actions of the county or
11 affected local government.

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

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

24 (6) The commanding officer is encouraged to provide
25 information about any community planning assistance grants
26 that may be available to a county or affected local government
27 through the federal Office of Economic Adjustment as an
28 incentive for communities to participate in a joint planning
29 process that would facilitate the compatibility of community
30 planning and the activities and mission of the military
31 installation.

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

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

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

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

14 163.3177 Required and optional elements of
15 comprehensive plan; studies and surveys.--

16 (6) In addition to the requirements of subsections
17 (1)-(5), the comprehensive plan shall include the following
18 elements:

19 (a) A future land use plan element designating
20 proposed future general distribution, location, and extent of
21 the uses of land for residential uses, commercial uses,
22 industry, agriculture, recreation, conservation, education,
23 public buildings and grounds, other public facilities, and
24 other categories of the public and private uses of land. Each
25 future land use category must be defined in terms of uses
26 included, and must include standards to be followed in the
27 control and distribution of population densities and building
28 and structure intensities. The proposed distribution,
29 location, and extent of the various categories of land use
30 shall be shown on a land use map or map series which shall be
31 supplemented by goals, policies, and measurable objectives.

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

1 schools are an allowable use. When delineating the land use
2 categories in which public schools are an allowable use, a
3 local government shall include in the categories sufficient
4 land proximate to residential development to meet the
5 projected needs for schools in coordination with public school
6 boards and may establish differing criteria for schools of
7 different type or size. Each local government shall include
8 lands contiguous to existing school sites, to the maximum
9 extent possible, within the land use categories in which
10 public schools are an allowable use. All comprehensive plans
11 must comply with the school siting requirements of this
12 paragraph no later than October 1, 1999. The failure by a
13 local government to comply with these school siting
14 requirements by October 1, 1999, will result in the
15 prohibition of the local government's ability to amend the
16 local comprehensive plan, except for plan amendments described
17 in s. 163.3187(1)(b), until the school siting requirements are
18 met. Amendments proposed by a local government for purposes of
19 identifying the land use categories in which public schools
20 are an allowable use or for adopting or amending the
21 school-siting maps pursuant to s. 163.31776(3) are exempt from
22 the limitation on the frequency of plan amendments contained
23 in s. 163.3187. The future land use element shall include
24 criteria that encourage the location of schools proximate to
25 urban residential areas to the extent possible and shall
26 require that the local government seek to collocate public
27 facilities, such as parks, libraries, and community centers,
28 with schools to the extent possible and to encourage the use
29 of elementary schools as focal points for neighborhoods. For
30 schools serving predominantly rural counties, defined as a
31 county with a population of 100,000 or fewer, an agricultural

1 land use category shall be eligible for the location of public
2 school facilities if the local comprehensive plan contains
3 school siting criteria and the location is consistent with
4 such criteria. Local governments required to update or amend
5 their comprehensive plan to include criteria and address
6 compatibility of adjacent or closely proximate lands with
7 existing military installations in their future land use plan
8 element shall transmit the update or amendment to the
9 department by June 30, 2006.

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

22 (1) The state land planning agency shall consider land
23 use compatibility issues in the vicinity of all airports in
24 coordination with the Department of Transportation and
25 adjacent to or in close proximity to all military
26 installations in coordination with the Department of Defense.

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

29 163.3187 Amendment of adopted comprehensive plan.--
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1 (1) Amendments to comprehensive plans adopted pursuant
2 to this part may be made not more than two times during any
3 calendar year, except:

4 (m) A comprehensive plan amendment that addresses
5 criteria or compatibility of land uses adjacent to or in close
6 proximity to military installations in a local government's
7 future land use element does not count toward the limitation
8 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 for land adjacent to or in close
21 proximity to military installations.

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

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

28 (4) The Defense Infrastructure Grant Program is
29 created. The director of the Office of Tourism, Trade, and
30 Economic Development shall coordinate and implement this
31 program, the purpose of which is to support local

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

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

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS/SB 1604

27 The Committee Substitute for CS/SB 1604 changes the name of
28 the grant program established within the bill from "The
29 Military Base Protection Program" to "The Defense
30 Infrastructure Grant Program," and removes the appropriation
31 which had been contained in the bill.