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1 A bill to be entitled

2 An act relating to military affairs; creating s. 14.2018,
3 F.S.; creating the Office of Military and State Relations
4 within the Executive Office of the Governor; providing
5 powers and duties of the office; creating s. 163.3175,
6 F.S.; providing legislative findings with respect to the
7 compatibility of land development with military
8 installations; providing for the exchange of information
9 relating to proposed land use decisions between counties
10 and local governments and military installations;
11 providing for responsive comments by the commanding
12 officer or his or her designee; requiring the county or
13 affected local government to take such comments into
14 consideration; providing that a representative of the
15 military installation shall be an ex-officio nonvoting
16 member of the county's or local government's land planning
17 or zoning board; encouraging the commanding officer to
18 provide information on community planning assistance
19 grants; providing definitions; amending s. 163.3177, F.S.;
20 providing for the future land use plan element of
21 comprehensive plans to include compatibility with military
22 installations; requiring the inclusion of criteria for
23 achieving compatibility with military installations;
24 requiring local governments to update or amend their
25 comprehensive plan by a certain date; providing for the
26 coordination by the state land planning agency and the
27 Department of Defense on land use compatibility issues for
28 military installations; amending s. 163.3187, F.S.;

29 providing that amendments to address compatibility or

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30 include criteria do not count toward the limitation on
 31 frequency of amending comprehensive plans; amending s.
 32 163.3191, F.S.; providing that evaluations of
 33 comprehensive plans include whether criteria were
 34 successful in resolving land use compatibility uses around
 35 military installations; amending s. 288.980, F.S.;
 36 creating the Military Base Protection Grant program;
 37 providing an appropriation to fund such program; providing
 38 purpose and implementation of the program; providing
 39 program requirements; providing an effective date.
 40

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

42
 43 Section 1. Section 14.2018, Florida Statutes, is created
 44 to read:

45 14.2018 Office of Military and State Relations; creation;
 46 powers and duties.--

47 (1) The Office of Military and State Relations is created
 48 within the Executive Office of the Governor. The director of
 49 the Office of Military and State Relations shall be appointed
 50 by, and serve at the pleasure of, the Governor.

51 (2) The purpose of the office is to assist the Governor in
 52 working with the state's military installations, unified
 53 commands, military communities, state agencies, and economic
 54 development professionals to formulate and implement strategies
 55 designed to protect Florida's military bases from closure or
 56 realignment, boost the state's economic well-being, and keep
 57 Florida a military-friendly state. To accomplish these purposes,
 58 the office shall:

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59 (a) Advise and assist the Governor on issues relating to
 60 the federal base realignment and closure process and other base
 61 modifications occurring outside that process.

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

65 (c) Assist the Florida Defense Alliance in its objective
 66 of keeping Florida in a competitive position with other states
 67 that have significant military populations.

68 (d) Interact with state agencies to determine how those
 69 agencies can better serve host military communities and
 70 Florida's military families.

71 (e) Assist volunteer efforts by Florida's military
 72 families and support groups that address quality-of-life issues
 73 for our servicemen and servicewomen, their spouses, and their
 74 dependents.

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

76 (3) The activities of this office may not interfere with
 77 the responsibilities or jurisdiction of the Department of
 78 Military Affairs or the Adjutant General under chapter 250.

79 Section 2. Section 163.3175, Florida Statutes, is created
 80 to read:

81 163.3175 Legislative findings on compatibility of
 82 development with military installations; exchange of information
 83 between local governments and military installations.--

84 (1) The Legislature finds that incompatible development of
 85 land close to military installations can adversely affect the
 86 ability of a military installation to carry out its mission. The
 87 Legislature further finds that incompatible development also

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88 threatens the public safety because of the possibility of
89 accidents occurring within the areas surrounding a military
90 installation. In addition, the economic vitality of a community
91 is affected when military operations and missions must relocate
92 because of urban encroachment. Therefore, the Legislature finds
93 it desirable for local governments in the state to cooperate
94 with military installations to encourage compatible land use,
95 help prevent encroachment, and facilitate the continued presence
96 of major military installations in this state.

97 (2) Each county in which a military installation is either
98 wholly or partially located and each affected local government
99 must transmit to the commanding officer of the installation
100 information relating to proposed changes to comprehensive plans,
101 plan amendments, and proposed changes to land development
102 regulations, including zoning changes and development orders
103 that, if approved, would affect the intensity, density, or use
104 of the land surrounding the military installation. Each county
105 and affected local government shall provide the military
106 installation an opportunity to review and comment on the
107 proposed changes.

108 (3) The commanding officer or his or her designee may
109 provide comments to the county or affected local government on
110 the impact such proposed changes may have on the military
111 installation. Such comments may include, but are not limited
112 to:

113 (a) If the installation has an airfield, whether the
114 proposed changes will be incompatible with the safety and noise
115 standards contained in the Air Installation Compatible Use Zone
116 standards prepared for that airfield;

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117 (b) Whether the proposed changes are incompatible with the
 118 Installation Noise Management Plan under the United States
 119 Army's Environmental Noise Management Program;

120 (c) Whether the proposed changes are incompatible with the
 121 findings of a federal Joint Land Use Study for the area if one
 122 has been completed;

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

125 (e) Whether the proposed changes support compatible land
 126 uses; and

127 (f) Whether reasonable provisions are being made for
 128 preserving open space.

129 (4) The county or affected local government shall take
 130 into consideration any comments provided by the commanding
 131 officer or his or her designee when making such comprehensive
 132 planning, land development regulation, zoning, or development
 133 order decision. The county or affected local government shall
 134 forward a copy of any such comments to the state land planning
 135 agency and the Office of Military and State Relations.

136 (5) To facilitate the exchange of information provided for
 137 in this section, a representative of the military installation
 138 shall be included as an ex officio, nonvoting member of the
 139 county's or affected local government's land planning or zoning
 140 board.

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

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146 process that would facilitate the compatibility of community
 147 planning and the activities and mission of the military
 148 installation.

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

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

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

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

162 163.3177 Required and optional elements of comprehensive
 163 plan; studies and surveys.--

164 (6) In addition to the requirements of subsections (1)-
 165 (5), the comprehensive plan shall include the following
 166 elements:

167 (a) A future land use plan element designating proposed
 168 future general distribution, location, and extent of the uses of
 169 land for residential uses, commercial uses, industry,
 170 agriculture, recreation, conservation, education, public
 171 buildings and grounds, other public facilities, and other
 172 categories of the public and private uses of land. Each future
 173 land use category must be defined in terms of uses included, and
 174 must include standards to be followed in the control and

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175 distribution of population densities and building and structure
176 intensities. The proposed distribution, location, and extent of
177 the various categories of land use shall be shown on a land use
178 map or map series which shall be supplemented by goals,
179 policies, and measurable objectives. The future land use plan
180 shall be based upon surveys, studies, and data regarding the
181 area, including the amount of land required to accommodate
182 anticipated growth; the projected population of the area; the
183 character of undeveloped land; the availability of public
184 services; the need for redevelopment, including the renewal of
185 blighted areas and the elimination of nonconforming uses which
186 are inconsistent with the character of the community; the
187 compatibility with military installations; and, in rural
188 communities, the need for job creation, capital investment, and
189 economic development that will strengthen and diversify the
190 community's economy. The future land use plan may designate
191 areas for future planned development use involving combinations
192 of types of uses for which special regulations may be necessary
193 to ensure development in accord with the principles and
194 standards of the comprehensive plan and this act. The future
195 land use plan element shall include criteria to be used to
196 achieve compatibility with military installations. In addition,
197 for rural communities, the amount of land designated for future
198 planned industrial use shall be based upon surveys and studies
199 that reflect the need for job creation, capital investment, and
200 the necessity to strengthen and diversify the local economies,
201 and shall not be limited solely by the projected population of
202 the rural community. The future land use plan of a county may
203 also designate areas for possible future municipal

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204 incorporation. The land use maps or map series shall generally
 205 identify and depict historic district boundaries and shall
 206 designate historically significant properties meriting
 207 protection. The future land use element must clearly identify
 208 the land use categories in which public schools are an allowable
 209 use. When delineating the land use categories in which public
 210 schools are an allowable use, a local government shall include
 211 in the categories sufficient land proximate to residential
 212 development to meet the projected needs for schools in
 213 coordination with public school boards and may establish
 214 differing criteria for schools of different type or size. Each
 215 local government shall include lands contiguous to existing
 216 school sites, to the maximum extent possible, within the land
 217 use categories in which public schools are an allowable use. All
 218 comprehensive plans must comply with the school siting
 219 requirements of this paragraph no later than October 1, 1999.
 220 The failure by a local government to comply with these school
 221 siting requirements by October 1, 1999, will result in the
 222 prohibition of the local government's ability to amend the local
 223 comprehensive plan, except for plan amendments described in s.
 224 163.3187(1)(b), until the school siting requirements are met.
 225 Amendments proposed by a local government for purposes of
 226 identifying the land use categories in which public schools are
 227 an allowable use or for adopting or amending the school-siting
 228 maps pursuant to s. 163.31776(3) are exempt from the limitation
 229 on the frequency of plan amendments contained in s. 163.3187.
 230 The future land use element shall include criteria that
 231 encourage the location of schools proximate to urban residential
 232 areas to the extent possible and shall require that the local

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233 government seek to collocate public facilities, such as parks,
 234 libraries, and community centers, with schools to the extent
 235 possible and to encourage the use of elementary schools as focal
 236 points for neighborhoods. For schools serving predominantly
 237 rural counties, defined as a county with a population of 100,000
 238 or fewer, an agricultural land use category shall be eligible
 239 for the location of public school facilities if the local
 240 comprehensive plan contains school siting criteria and the
 241 location is consistent with such criteria. Local governments
 242 required to update or amend their comprehensive plan to include
 243 criteria and address compatibility with existing military
 244 installations in their future land use plan element shall
 245 transmit the update or amendment to the department by June 30,
 246 2005.

247 (10) The Legislature recognizes the importance and
 248 significance of chapter 9J-5, Florida Administrative Code, the
 249 Minimum Criteria for Review of Local Government Comprehensive
 250 Plans and Determination of Compliance of the Department of
 251 Community Affairs that will be used to determine compliance of
 252 local comprehensive plans. The Legislature reserved unto itself
 253 the right to review chapter 9J-5, Florida Administrative Code,
 254 and to reject, modify, or take no action relative to this rule.
 255 Therefore, pursuant to subsection (9), the Legislature hereby
 256 has reviewed chapter 9J-5, Florida Administrative Code, and
 257 expresses the following legislative intent:

258 (1) The state land planning agency shall consider land use
 259 compatibility issues in the vicinity of all airports in
 260 coordination with the Department of Transportation and for

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261 military installations in coordination with the Department of
 262 Defense.

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

265 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

275 163.3191 Evaluation and appraisal of comprehensive plan.--

276 (2) The report shall present an evaluation and assessment
 277 of the comprehensive plan and shall contain appropriate
 278 statements to update the comprehensive plan, including, but not
 279 limited to, words, maps, illustrations, or other media, related
 280 to:

281 (n) An evaluation of whether the criteria for achieving
 282 compatibility with military installations identified in the
 283 future land use element were successful in resolving land use
 284 compatibility issues around military installations.

285 Section 6. Present subsections (4) through (8) of section
 286 288.980, Florida Statutes, are renumbered as subsections (5)
 287 through (9), respectively, and a new subsection (4) is added to
 288 said section to read:

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289 288.980 Military base retention; legislative intent;
290 grants program.--

291 (4) The Military Base Protection Grant Program is created.
292 The Director of the Office of Tourism, Trade, and Economic
293 Development shall coordinate and implement the program. The sum
294 of \$12 million is appropriated from the General Revenue Fund for
295 fiscal year 2004-2005 to the Office of Tourism, Trade, and
296 Economic Development to implement the program, the purpose of
297 which is to support local infrastructure projects deemed to have
298 a positive impact on the military value of installations within
299 the state. Funds are to be used for projects that benefit both
300 the local community and the military installation. However, it
301 is not the intent of the program to fund on-base military
302 construction projects. Infrastructure projects to be funded
303 under the program include, but are not limited to, those related
304 to encroachment, transportation and access, utilities,
305 communications, housing, environment, and security. Grant
306 requests will be accepted only from economic development
307 applicants serving in the official capacity of a governing board
308 of a county, municipality, special district, or state agency
309 that will have the authority to maintain the project upon
310 completion. An applicant must represent a community or county in
311 which a military installation is wholly or partially located.
312 There is no limit on the amount of any grant awarded to an
313 applicant. A matching contribution by the county or local
314 community may be required. The Office of Tourism, Trade, and
315 Economic Development shall establish guidelines to implement the
316 purpose of this subsection.

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