

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to military affairs; creating s. 14.2018,
8 F.S.; creating the Office of Military and State Relations;
9 providing for its powers and duties; creating s. 163.3175,
10 F.S.; providing legislative findings on the compatibility
11 of development with military installations; providing for
12 the exchange of information relating to proposed land use
13 decisions between counties and local governments and
14 military installations; providing for responsive comments
15 by the commanding officer or his or her designee;
16 providing for the county or affected local government to
17 take such comments into consideration; providing for a
18 representative of the military installation to be an ex-
19 officio, nonvoting member of the county's or local
20 government's land planning or zoning board; encouraging
21 the commanding officer to provide information on community
22 planning assistance grants; providing definitions;
23 amending s. 163.3177, F.S.; providing for the future land

24 use plan element of comprehensive plans to include
 25 compatibility of uses of lands adjacent to or closely
 26 proximate to military installations; requiring the
 27 inclusion of criteria; requiring local governments to
 28 update or amend their comprehensive plan by a certain
 29 date; providing for the coordination by the state land
 30 planning agency and the Department of Defense on
 31 compatibility issues for military installations; amending
 32 s. 163.3187, F.S.; providing that amendments that address
 33 criteria or compatibility of land uses do not count toward
 34 the limitation on frequency of amending comprehensive
 35 plans; amending s. 163.3191, F.S.; providing that
 36 evaluations of comprehensive plans include an evaluation
 37 of whether such criteria were successful in resolving land
 38 use compatibility uses for land adjacent to or in close
 39 proximity to military installations; amending s. 288.980,
 40 F.S.; creating the Military Base Protection Grant Program;
 41 providing an appropriation to fund such program; providing
 42 the purpose and for implementation of the program;
 43 providing an effective date.

44

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

46

47 Section 1. Section 14.2018, Florida Statutes, is created
 48 to read:

49 14.2018 Office of Military and State Relations; creation;
 50 powers and duties.--

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51 (1) The Office of Military and State Relations is created
52 within the Executive Office of the Governor. The director of
53 the Office of Military and State Relations shall be appointed
54 by, and serve at the pleasure of, the Governor.

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

63 (a) Advise and assist the Governor on issues relating to
64 the federal base realignment and closure process and other base
65 modifications occurring outside that process.

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

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

72 (d) Interact with state agencies to determine how those
73 agencies can better serve host military communities and
74 Florida's military families.

75 (e) Assist the volunteer efforts by Florida's military
76 families and support groups that address quality-of-life issues
77 for men and women serving in the Armed Forces, their spouses,
78 and their dependents.

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

80 | (3) Activities of this office may not interfere with the
 81 | responsibilities or jurisdiction of the Department of Military
 82 | Affairs and of the Adjutant General under chapter 250.

83 | Section 2. Section 163.3175, Florida Statutes, is created
 84 | to read:

85 | 163.3175 Legislative findings on compatibility of
 86 | development with military installations; exchange of information
 87 | between local governments and military installations.--

88 | (1) The Legislature finds that incompatible development of
 89 | land close to military installations can adversely affect the
 90 | ability of such an installation to carry out its mission. The
 91 | Legislature further finds that such development also threatens
 92 | the public safety because of the possibility of accidents
 93 | occurring within the areas surrounding a military installation.
 94 | In addition, the economic vitality of a community is affected
 95 | when military operations and missions must relocate because of
 96 | incompatible urban encroachment. Therefore, the Legislature
 97 | finds it desirable for the local governments in the state to
 98 | cooperate with military installations to encourage compatible
 99 | land use, help prevent incompatible encroachment, and facilitate
 100 | the continued presence of major military installations in this
 101 | state.

102 | (2) Each county in which a military installation is either
 103 | wholly or partially located and each affected local government
 104 | must transmit to the commanding officer of that installation
 105 | information relating to proposed changes to comprehensive plans,
 106 | plan amendments, and proposed changes to land development

107 regulations which, if approved, would affect the intensity,
 108 density, or use of the land adjacent to or in close proximity to
 109 the military installation. Each county and affected local
 110 government shall provide the military installation an
 111 opportunity to review and comment on the proposed changes.

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

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

120 (b) Whether such changes are incompatible with the
 121 Installation Environmental Noise Management Program of the
 122 United States Army;

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

126 (d) Whether the military installation's mission will be
 127 adversely affected by the proposed actions of the county or
 128 affected local government.

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 decision
 132 regarding comprehensive planning or land development regulation.
 133 The county or affected local government shall forward a copy of

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134 any such comments to the state land planning agency and the
135 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
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 to or in close proximity to the military installation
152 as determined by the state land planning agency.

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

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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
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 of uses on lands adjacent to or closely proximate
188 to military installations; and, in rural communities, the need
189 for job creation, capital investment, and economic development

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190 that will strengthen and diversify the community's economy. The
191 future land use plan may designate areas for future planned
192 development use involving combinations of types of uses for
193 which special regulations may be necessary to ensure development
194 in accord with the principles and standards of the comprehensive
195 plan and this act. The future land use plan element shall
196 include criteria to be used to achieve the compatibility of
197 adjacent or closely proximate lands with military installations.
198 In addition, for rural communities, the amount of land
199 designated for future planned industrial use shall be based upon
200 surveys and studies that reflect the need for job creation,
201 capital investment, and the necessity to strengthen and
202 diversify the local economies, and shall not be limited solely
203 by the projected population of the rural community. The future
204 land use plan of a county may also designate areas for possible
205 future municipal incorporation. The land use maps or map series
206 shall generally identify and depict historic district boundaries
207 and shall designate historically significant properties meriting
208 protection. The future land use element must clearly identify
209 the land use categories in which public schools are an allowable
210 use. When delineating the land use categories in which public
211 schools are an allowable use, a local government shall include
212 in the categories sufficient land proximate to residential
213 development to meet the projected needs for schools in
214 coordination with public school boards and may establish
215 differing criteria for schools of different type or size. Each
216 local government shall include lands contiguous to existing
217 school sites, to the maximum extent possible, within the land

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218 use categories in which public schools are an allowable use. All
219 comprehensive plans must comply with the school siting
220 requirements of this paragraph no later than October 1, 1999.
221 The failure by a local government to comply with these school
222 siting requirements by October 1, 1999, will result in the
223 prohibition of the local government's ability to amend the local
224 comprehensive plan, except for plan amendments described in s.
225 163.3187(1)(b), until the school siting requirements are met.
226 Amendments proposed by a local government for purposes of
227 identifying the land use categories in which public schools are
228 an allowable use or for adopting or amending the school-siting
229 maps pursuant to s. 163.31776(3) are exempt from the limitation
230 on the frequency of plan amendments contained in s. 163.3187.
231 The future land use element shall include criteria that
232 encourage the location of schools proximate to urban residential
233 areas to the extent possible and shall require that the local
234 government seek to collocate public facilities, such as parks,
235 libraries, and community centers, with schools to the extent
236 possible and to encourage the use of elementary schools as focal
237 points for neighborhoods. For schools serving predominantly
238 rural counties, defined as a county with a population of 100,000
239 or fewer, an agricultural land use category shall be eligible
240 for the location of public school facilities if the local
241 comprehensive plan contains school siting criteria and the
242 location is consistent with such criteria. Local governments
243 required to update or amend their comprehensive plan to include
244 criteria and address compatibility of adjacent or closely
245 proximate lands with existing military installations in their

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246 | future land use plan element shall transmit the update or
 247 | amendment to the department by June 30, 2006.

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

259 | (1) The state land planning agency shall consider land use
 260 | compatibility issues in the vicinity of all airports in
 261 | coordination with the Department of Transportation and adjacent
 262 | to or in close proximity to all military installations in
 263 | coordination with the Department of Defense.

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

266 | 163.3187 Amendment of adopted comprehensive plan.--

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

270 | (m) A comprehensive plan amendment that addresses criteria
 271 | or compatibility of land uses adjacent to or in close proximity
 272 | to military installations in a local government's future land

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273 | use element does not count toward the limitation on the
 274 | frequency of the plan amendments.

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

277 | 163.3191 Evaluation and appraisal of comprehensive plan.--

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

283 | (n) An evaluation of whether the criteria identified in
 284 | the future land use element were successful in resolving land
 285 | use compatibility issues for land adjacent to or in close
 286 | proximity to military installations.

287 | Section 6. Present subsections (4), (5), (6), (7), and (8)
 288 | of section 288.980, Florida Statutes, are renumbered as
 289 | subsections (5), (6), (7), (8), and (9), respectively, and a new
 290 | subsection (4) is added to that section to read:

291 | 288.980 Military base retention; legislative intent;
 292 | grants program.--

293 | (4) The Military Base Protection Grant Program is created.
 294 | The Director of the Office of Tourism, Trade, and Economic
 295 | Development shall coordinate and implement this program. The sum
 296 | of \$12 million is appropriated from the General Revenue Fund for
 297 | fiscal year 2004-2005 to the Office of Tourism, Trade, and
 298 | Economic Development for this program, the purpose of which is
 299 | to support local infrastructure projects deemed to have a
 300 | positive impact on the military value of installations within

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301 | the state. Funds are to be used for projects that benefit both
302 | the local community and the military installation. It is not the
303 | intent, however, to fund on-base military construction projects.
304 | Infrastructure projects to be funded under this program include,
305 | but are not limited to, those related to encroachment,
306 | transportation and access, utilities, communications, housing,
307 | environment, and security. Grant requests will be accepted only
308 | from economic development applicants serving in the official
309 | capacity of a governing board of a county, municipality, special
310 | district, or state agency that will have the authority to
311 | maintain the project upon completion. An applicant must
312 | represent a community or county in which a military installation
313 | is located. There is no limit as to the amount of any grant
314 | awarded to an applicant. A match by the county or local
315 | community may be required. The Office of Tourism, Trade, and
316 | Economic Development shall establish guidelines to implement the
317 | purpose of this subsection.

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