



321748

578-02693A-10

Proposed Committee Substitute by the Committee on Community
Affairs

1 A bill to be entitled
2 An act relating to domestic security; amending s.
3 163.3175, F.S.; providing that certain provisions
4 relating to compatibility and coordination apply to
5 specified military installations and affected local
6 governments; authorizing the Florida Council on
7 Military Base and Mission Support to make
8 recommendations to the Legislature regarding such
9 military installations and local governments;
10 requiring that a local government transmit copies of
11 applications for development orders to the base
12 commanding officer; providing for mediation between a
13 local government, a military installation, the state
14 land planning agency, and other identified parties to
15 address compatibility of lands; providing sanctions
16 for a local government that fails to adopt certain
17 criteria in the future land use element of its
18 comprehensive plan; deleting definitions; amending s.
19 163.3177, F.S.; requiring that factors identified in
20 s. 163.3175(5), F.S., be used to achieve compatibility
21 with lands adjacent to or closely proximate to
22 military installations; amending s. 196.061, F.S.;
23 providing that valid military orders transferring a
24 member of the Armed Forces of the United States or his
25 or her spouse are sufficient to establish permanent
26 residence; amending s. 250.10, F.S.; authorizing the
27 Adjutant General of the Florida National Guard to



321748

578-02693A-10

28 employ a second Assistant Adjutant General; amending
29 s. 455.02, F.S.; authorizing the temporary
30 professional licensure of the spouses of active duty
31 members of the United States Armed Forces under
32 certain circumstances; providing application
33 requirements; requiring criminal history checks and
34 fees; providing an effective date.
35

36 Be It Enacted by the Legislature of the State of Florida:
37

38 Section 1. Section 163.3175, Florida Statutes, is amended
39 to read:

40 163.3175 Legislative findings on compatibility of
41 development with military installations; exchange of information
42 between local governments and military installations.—

43 (1) The Legislature finds that incompatible development of
44 land close to military installations can adversely affect the
45 ability of such an installation to carry out its mission. The
46 Legislature further finds that such development also threatens
47 the public safety because of the possibility of accidents
48 occurring within the areas surrounding a military installation.
49 In addition, the economic vitality of a community is affected
50 when military operations and missions must relocate because of
51 incompatible urban encroachment. Therefore, the Legislature
52 finds it desirable for the local governments in the state to
53 cooperate with military installations to encourage compatible
54 land use, help prevent incompatible encroachment, and facilitate
55 the continued presence of major military installations in this
56 state.



321748

578-02693A-10

57 (2) Certain major military installations have a greater
58 potential for experiencing compatibility and coordination issues
59 due to their mission and activities. This section and the
60 provisions in s. 163.3177(6) (a) which relate to compatibility
61 with military installations apply to specific affected local
62 governments in association to certain military installations as
63 follows:

64 (a) Avon Park Air Force Range associated with Highlands,
65 Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,
66 and Frostproof.

67 (b) Camp Blanding associated with Clay, Bradford, and
68 Putnam Counties.

69 (c) Eglin Air Force Base and Hurlburt Field associated with
70 Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco Bayou,
71 Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Ester,
72 Niceville, Shalimar, Valparaiso, DeFuniak Springs, and Freeport.

73 (d) Homestead Air Reserve Base associated with Miami-Dade
74 County and Homestead.

75 (e) Jacksonville Bombing Range Complex associated with
76 Lake, Marion, Putnam, and Volusia Counties.

77 (f) MacDill Air Force Base associated with Tampa.

78 (g) Naval Air Station Jacksonville and Marine Corps Blount
79 Island Command associated with Jacksonville.

80 (h) Naval Air Station Key West associated with Monroe
81 County and Key West.

82 (i) Naval Support Activity Panama City associated with Bay
83 County, Panama City, and Panama City Beach.

84 (j) Naval Air Station Pensacola associated with Escambia
85 County.



321748

578-02693A-10

86 (k) Naval Air Station Whiting Field associated with Santa
87 Rosa County.

88 (l) Naval Station Mayport associated with Atlantic Beach
89 and Jacksonville.

90 (m) Patrick Air Force Base and Cape Canaveral Air Force
91 Station associated with Brevard County and Satellite Beach.

92 (n) Tyndall Air Force Base associated with Mexico Beach and
93 Parker.

94 (3) The Florida Council on Military Base and Mission
95 Support may recommend to the Legislature changes to the military
96 installations and affected local governments specified in
97 subsection (2) based on a military base's potential for impacts
98 from encroachment and incompatible land uses and development.

99 (4) ~~(2)~~ Each affected local government county in which a
100 military installation is either wholly or partially located and
101 each affected local government must transmit to the commanding
102 officer of the ~~that~~ installation information relating to
103 proposed changes to comprehensive plans, plan amendments, and
104 proposed changes to land development regulations which, if
105 approved, would affect the intensity, density, or use of the
106 land adjacent to or in close proximity to the military
107 installation. At the request of the commanding officer, a local
108 government must also transmit copies of applications for
109 development orders requesting a variance or waiver from height
110 or lighting restrictions or soundproofing requirements within
111 areas defined in the local government's comprehensive plan as
112 being in a zone of influence of the military installation. Each
113 county and affected local government shall provide the military
114 installation an opportunity to review and comment on the



321748

578-02693A-10

115 proposed changes.

116 ~~(5)-(3)~~ The commanding officer or his or her designee may
117 provide comments to the ~~county or~~ affected local government on
118 the impact such proposed changes may have on the mission of the
119 military installation. Such comments may include:

120 (a) If the installation has an airfield, whether such
121 proposed changes will be incompatible with the safety and noise
122 standards contained in the Air Installation Compatible Use Zone
123 (AICUZ) adopted by the military installation for that airfield;

124 (b) Whether such changes are incompatible with the
125 Installation Environmental Noise Management Program (IENMP) of
126 the United States Army;

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

130 (d) Whether the military installation's mission will be
131 adversely affected by the proposed actions of the county or
132 affected local government.

133 ~~(6)-(4)~~ The ~~county or~~ affected local government shall take
134 into consideration any comments provided by the commanding
135 officer or his or her designee pursuant to subsection (4) ~~when~~
136 ~~making such decision regarding comprehensive planning or land~~
137 ~~development regulation.~~ The ~~county or~~ affected local government
138 shall forward a copy of any ~~such~~ comments regarding
139 comprehensive plan amendments to the state land planning agency.

140 ~~(7)-(5)~~ To facilitate the exchange of information provided
141 for in this section, a representative of a military installation
142 acting on behalf of all military installations within that
143 jurisdiction shall be included as an ex officio, nonvoting



321748

578-02693A-10

144 member of the county's or affected local government's land
145 planning or zoning board.

146 ~~(8)(6)~~ The commanding officer is encouraged to provide
147 information about any community planning assistance grants that
148 may be available to a county or affected local government
149 through the federal Office of Economic Adjustment as an
150 incentive for communities to participate in a joint planning
151 process that would facilitate the compatibility of community
152 planning and the activities and mission of the military
153 installation.

154 ~~(9)(7)~~ If a local government, as required under s.
155 163.3177(6)(a), does not adopt criteria and address
156 compatibility of lands adjacent to or closely proximate to
157 existing military installations in its future land use element
158 by June 30, 2012, the local government, military installation,
159 the state land planning agency, and other parties as identified
160 by the regional planning council, including, but not limited to,
161 private landowner representatives, shall enter into mediation
162 conducted pursuant to s. 186.509. If the local government
163 comprehensive plan does not contain criteria addressing
164 compatibility by December 31, 2013, the agency may notify the
165 Administration Commission. The Administration Commission may
166 impose sanctions pursuant to s. 163.3184(11). ~~As used in this~~
167 section, the term:

168 ~~(a) "Affected local government" means a municipality~~
169 ~~adjacent to or in close proximity to the military installation~~
170 ~~as determined by the state land planning agency.~~

171 ~~(b) "Military installation" means a base, camp, post,~~
172 ~~station, airfield, yard, center, home port facility for any~~



321748

578-02693A-10

173 ~~ship, or other land area under the jurisdiction of the~~
174 ~~Department of Defense, including any leased facility. Such term~~
175 ~~does not include any facility used primarily for civil works,~~
176 ~~rivers and harbors projects, or flood control projects.~~

177 Section 2. Paragraph (a) of subsection (6) of section
178 163.3177, Florida Statutes, is amended to read:

179 163.3177 Required and optional elements of comprehensive
180 plan; studies and surveys.—

181 (6) In addition to the requirements of subsections (1)-(5)
182 and (12), the comprehensive plan shall include the following
183 elements:

184 (a) A future land use plan element designating proposed
185 future general distribution, location, and extent of the uses of
186 land for residential uses, commercial uses, industry,
187 agriculture, recreation, conservation, education, public
188 buildings and grounds, other public facilities, and other
189 categories of the public and private uses of land. Counties are
190 encouraged to designate rural land stewardship areas, pursuant
191 to paragraph (11) (d), as overlays on the future land use map.
192 Each future land use category must be defined in terms of uses
193 included, and must include standards to be followed in the
194 control and distribution of population densities and building
195 and structure intensities. The proposed distribution, location,
196 and extent of the various categories of land use shall be shown
197 on a land use map or map series which shall be supplemented by
198 goals, policies, and measurable objectives. The future land use
199 plan shall be based upon surveys, studies, and data regarding
200 the area, including the amount of land required to accommodate
201 anticipated growth; the projected population of the area; the



321748

578-02693A-10

202 character of undeveloped land; the availability of water
203 supplies, public facilities, and services; the need for
204 redevelopment, including the renewal of blighted areas and the
205 elimination of nonconforming uses which are inconsistent with
206 the character of the community; the compatibility of uses on
207 lands adjacent to or closely proximate to military
208 installations; lands adjacent to an airport as defined in s.
209 330.35 and consistent with s. 333.02; the discouragement of
210 urban sprawl; energy-efficient land use patterns accounting for
211 existing and future electric power generation and transmission
212 systems; greenhouse gas reduction strategies; and, in rural
213 communities, the need for job creation, capital investment, and
214 economic development that will strengthen and diversify the
215 community's economy. The future land use plan may designate
216 areas for future planned development use involving combinations
217 of types of uses for which special regulations may be necessary
218 to ensure development in accord with the principles and
219 standards of the comprehensive plan and this act. The future
220 land use plan element shall include criteria to be used to
221 achieve the compatibility of lands adjacent or closely proximate
222 to military installations, based on factors identified in s.
223 163.3175(5), and lands adjacent to an airport as defined in s.
224 330.35 and consistent with s. 333.02. In addition, for rural
225 communities, the amount of land designated for future planned
226 industrial use shall be based upon surveys and studies that
227 reflect the need for job creation, capital investment, and the
228 necessity to strengthen and diversify the local economies, and
229 may not be limited solely by the projected population of the
230 rural community. The future land use plan of a county may also



321748

578-02693A-10

231 designate areas for possible future municipal incorporation. The
232 land use maps or map series shall generally identify and depict
233 historic district boundaries and shall designate historically
234 significant properties meriting protection. For coastal
235 counties, the future land use element must include, without
236 limitation, regulatory incentives and criteria that encourage
237 the preservation of recreational and commercial working
238 waterfronts as defined in s. 342.07. The future land use element
239 must clearly identify the land use categories in which public
240 schools are an allowable use. When delineating the land use
241 categories in which public schools are an allowable use, a local
242 government shall include in the categories sufficient land
243 proximate to residential development to meet the projected needs
244 for schools in coordination with public school boards and may
245 establish differing criteria for schools of different type or
246 size. Each local government shall include lands contiguous to
247 existing school sites, to the maximum extent possible, within
248 the land use categories in which public schools are an allowable
249 use. The failure by a local government to comply with these
250 school siting requirements will result in the prohibition of the
251 local government's ability to amend the local comprehensive
252 plan, except for plan amendments described in s. 163.3187(1)(b),
253 until the school siting requirements are met. Amendments
254 proposed by a local government for purposes of identifying the
255 land use categories in which public schools are an allowable use
256 are exempt from the limitation on the frequency of plan
257 amendments contained in s. 163.3187. The future land use element
258 shall include criteria that encourage the location of schools
259 proximate to urban residential areas to the extent possible and



321748

578-02693A-10

260 shall require that the local government seek to collocate public
261 facilities, such as parks, libraries, and community centers,
262 with schools to the extent possible and to encourage the use of
263 elementary schools as focal points for neighborhoods. For
264 schools serving predominantly rural counties, defined as a
265 county with a population of 100,000 or fewer, an agricultural
266 land use category is eligible for the location of public school
267 facilities if the local comprehensive plan contains school
268 siting criteria and the location is consistent with such
269 criteria. Local governments required to update or amend their
270 comprehensive plan to include criteria and address compatibility
271 of lands adjacent or closely proximate to existing military
272 installations, or lands adjacent to an airport as defined in s.
273 330.35 and consistent with s. 333.02, in their future land use
274 plan element shall transmit the update or amendment to the state
275 land planning agency by June 30, 2012.

276 Section 3. Section 196.061, Florida Statutes, is amended to
277 read:

278 196.061 Rental of homestead to constitute abandonment.—The
279 rental of an entire dwelling previously claimed to be a
280 homestead for tax purposes shall constitute the abandonment of
281 said dwelling as a homestead, and said abandonment shall
282 continue until such dwelling is physically occupied by the owner
283 thereof. However, such abandonment of such homestead after
284 January 1 of any year shall not affect the homestead exemption
285 for tax purposes for that particular year so long as this
286 provision is not used for 2 consecutive years. The provisions of
287 this section shall not apply to a member of the Armed Forces of
288 the United States whose service in such forces is the result of



321748

578-02693A-10

289 a mandatory obligation imposed by the federal Selective Service
290 Act or who volunteers for service as a member of the Armed
291 Forces of the United States. Valid military orders transferring
292 such member or his or her spouse shall be sufficient to maintain
293 permanent residence for purposes of s. 196.015.

294 Section 4. Subsection (4) of section 250.10, Florida
295 Statutes, is amended to read:

296 250.10 Appointment and duties of the Adjutant General.—

297 (4) (a) The Adjutant General shall, subject to confirmation
298 by the Senate, employ a federally recognized officer of the
299 Florida National Guard, who has served in the Florida Army Guard
300 for the preceding 5 years and attained the rank of colonel or
301 higher at the time of appointment, to be the Assistant Adjutant
302 General for Army.

303 (b) The Adjutant General may, subject to confirmation by
304 the Senate, employ an additional, federally recognized officer
305 of the Florida National Guard, who has served in the Florida
306 Army Guard for the preceding 5 years and has attained the rank
307 of colonel or higher at the time of appointment, to be a second
308 Assistant Adjutant General for Army.

309
310 Each ~~The~~ officer shall perform the duties required by the
311 Adjutant General.

312 Section 5. Section 455.02, Florida Statutes, is amended to
313 read:

314 455.02 Licensure of members of the Armed Forces in good
315 standing with administrative boards and their spouses.—

316 (1) Any member of the Armed Forces of the United States now
317 or hereafter on active duty who, at the time of becoming such a



321748

578-02693A-10

318 member, was in good standing with any administrative board of
319 the state and was entitled to practice or engage in his or her
320 profession or vocation in the state shall be kept in good
321 standing by such administrative board, without registering,
322 paying dues or fees, or performing any other act on his or her
323 part to be performed, as long as he or she is a member of the
324 Armed Forces of the United States on active duty and for a
325 period of 6 months after discharge from active duty as a member
326 of the Armed Forces of the United States, if provided he or she
327 is not engaged in his or her licensed profession or vocation in
328 the private sector for profit.

329 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
330 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
331 ~~members~~ of the Armed Forces of the United States from licensure
332 renewal provisions, but only in cases of his or her absence from
333 the state because of his or her spouse's ~~their spouses'~~ duties
334 with the Armed Forces.

335 (3) (a) The department may issue a temporary professional
336 license to the spouse of an active duty member of the Armed
337 Forces of the United States if the spouse applies to the
338 department in the format prescribed by the department. An
339 application must include:

340 1. Proof that the applicant is married to a member of the
341 Armed Forces of the United States who is on active duty.

342 2. Proof that the applicant holds a valid license for the
343 profession issued by another state, the District of Columbia,
344 any possession or territory of the United States, or any foreign
345 jurisdiction.

346 3. Proof that the applicant's spouse is assigned to a duty



321748

578-02693A-10

347 station in this state and that the applicant is also assigned to
348 a duty station in this state pursuant to the member's official
349 active duty military orders.

350 4. Proof that a complete set of the applicant's
351 fingerprints are submitted to the Department of Law Enforcement
352 for a statewide criminal history check. The Department of Law
353 Enforcement shall forward the fingerprints to the Federal Bureau
354 of Investigation for a national criminal history check. The
355 department shall, and the board may, review the results of the
356 criminal history checks according to the level 2 screening
357 standards in s. 435.04 and determine whether the applicant meets
358 the licensure requirements. The costs of fingerprint processing
359 shall be borne by the applicant. If the applicant's fingerprints
360 are submitted through an authorized agency or vendor, the agency
361 or vendor shall collect the required processing fees and remit
362 the fees to the Department of Law Enforcement.

363 (b) An application must be accompanied by an application
364 fee prescribed by the department which is sufficient to cover
365 the cost of issuance of the temporary license.

366 (c) A temporary license shall expire 6 months after the
367 date of issuance and is not renewable.

368 Section 6. This act shall take effect July 1, 2010.

369