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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.; specifying the military installations,
4 and the local governments associated with those bases,
5 to which certain provisions of the act apply;
6 authorizing the Florida Council on Military Base and
7 Mission Support to recommend changes to military
8 installations and local governments; requiring
9 affected local governments to transmit to the
10 commanding officer of a military installation
11 information relating to certain proposed changes to
12 comprehensive plans and land development regulations;
13 requiring local governments to transmit, at the
14 request of a commanding officer, copies of
15 applications for development orders requesting
16 specified variances or waivers within a zone of
17 influence of a military installation; requiring a
18 local government, military installation, the state
19 land planning agency, and other parties to enter into
20 mediation if a local government does not adopt
21 criteria and address compatibility issues relating to
22 lands adjacent to or closely proximate to existing
23 military installations in its future land use plan
24 element of a comprehensive plan by a specified date;
25 authorizing notification of the Administration
26 Commission if the local government comprehensive plan
27 does not contain criteria addressing compatibility by



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28 a specified date; authorizing the imposition of
29 sanctions by the commission; eliminating definitions;
30 amending s. 163.3177, F.S.; specifying factors used to
31 achieve compatibility of lands adjacent to military
32 installations in a future land use plan element of a
33 comprehensive plan; amending s. 196.061, F.S.;
34 providing that valid military orders transferring a
35 military servicemember are sufficient to maintain
36 permanent homestead residence status; amending s.
37 455.02, F.S.; authorizing temporary professional
38 licensure by the Department of Business and
39 Professional Regulation of the spouses of certain
40 active duty members of the Armed Forces; providing
41 application requirements; requiring criminal history
42 checks and fees; amending s. 250.10, F.S.; authorizing
43 the Adjutant General to employ a second Assistant
44 Adjutant General for Army; revising accreditation
45 standards for educational institutions with respect to
46 the Educational Dollars for Duty education assistance
47 program; providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 163.3175, Florida Statutes, is amended
52 to read:

53 163.3175 Legislative findings on compatibility of
54 development with military installations; exchange of information
55 between local governments and military installations.-

56 (1) The Legislature finds that incompatible development of



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57 land close to military installations can adversely affect the
58 ability of the ~~such an~~ installation to carry out its mission.
59 The Legislature further finds that such development also
60 threatens the public safety because of the possibility of
61 accidents occurring within the areas surrounding the a military
62 installation. In addition, the economic vitality of a community
63 is affected when military operations and missions must relocate
64 because of incompatible urban encroachment. Therefore, the
65 Legislature finds it desirable for ~~the~~ local governments ~~in the~~
66 ~~state~~ to cooperate with military installations in order to
67 encourage compatible land use, help prevent incompatible
68 encroachment, and facilitate the continued presence of major
69 military installations in this state.

70 (2) Due to their mission and activities, certain major
71 military installations have a greater potential for experiencing
72 compatibility and coordination issues than others. Consequently,
73 this section and the provisions of s. 163.3177(6) (a), relating
74 to the compatibility of land development with military
75 installations, apply to the following military installations in
76 association with the following specified local governments:

77 (a) Avon Park Air Force Range, associated with Highlands,
78 Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,
79 and Frostproof.

80 (b) Camp Blanding, associated with Clay, Bradford, and
81 Putnam Counties.

82 (c) Eglin Air Force Base and Hurlburt Field, associated
83 with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco
84 Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach,
85 Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and



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86 Valparaiso.

87 (d) Homestead Air Reserve Base, associated with Miami-Dade
88 County and Homestead.

89 (e) Jacksonville Training Range Complex, associated with
90 Lake, Marion, Putnam, and Volusia Counties.

91 (f) MacDill Air Force Base, associated with Tampa.

92 (g) Naval Air Station Jacksonville, Marine Corps Blount
93 Island Command, and outlying landing field Whitehouse,
94 associated with Jacksonville.

95 (h) Naval Air Station Key West, associated with Monroe
96 County and Key West.

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

99 (j) Naval Air Station Pensacola, associated with Escambia
100 County.

101 (k) Naval Air Station Whiting Field and its outlying
102 landing fields, associated with Santa Rosa and Escambia
103 Counties.

104 (l) Naval Station Mayport, associated with Atlantic Beach
105 and Jacksonville.

106 (m) Patrick Air Force Base and Cape Canaveral Air Force
107 Station, associated with Brevard County and Satellite Beach.

108 (n) Tyndall Air Force Base, associated with Bay County and
109 Mexico Beach and Parker.

110 (3) The Florida Council on Military Base and Mission
111 Support may recommend to the Legislature changes to the military
112 installations and associated local governments specified in
113 subsection (2) based on the military bases' potential for
114 impacts from encroachment and incompatible land use and



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115 development.

116 (4)-(2) Each affected local government shall ~~county in which~~
117 ~~a military installation is either wholly or partially located~~
118 ~~and each affected local government must~~ transmit to the
119 commanding officer of an associated military ~~that~~ installation
120 information relating to proposed changes to comprehensive plans,
121 plan amendments, and proposed changes to land development
122 regulations which, if approved, would affect the intensity,
123 density, or use of the land adjacent to or in close proximity to
124 the ~~military~~ installation. At the request of the commanding
125 officer, each affected local government shall also transmit to
126 the commanding officer copies of applications for development
127 orders requesting a variance or waiver from height or lighting
128 restrictions or noise attenuation reduction requirements within
129 areas defined in the local government's comprehensive plan as
130 being in the military installation's zone of influence. Each
131 ~~county and~~ affected local government shall provide the military
132 installation an opportunity to review and comment on the
133 proposed changes.

134 (5)-(3) The commanding officer or a ~~his or her~~ designee may
135 provide comments to the ~~county or~~ affected local government on
136 the impact such proposed changes may have on the mission of the
137 military installation. Such comments may include:

138 (a) If the installation has an airfield, whether the ~~such~~
139 proposed changes will be incompatible with the safety and noise
140 standards contained in the Air Installation Compatible Use Zone
141 (AICUZ) adopted by the military installation for that airfield.+

142 (b) Whether such changes are incompatible with the
143 Installation Environmental Noise Management Program (IENMP) of



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144 the United States Army.~~†~~

145 (c) Whether such changes are incompatible with the findings
146 of a Joint Land Use Study (JLUS) for the area if one has been
147 completed.~~†~~~~and~~

148 (d) Whether the military installation's mission will be
149 adversely affected by the proposed actions of the county or
150 affected local government.

151 ~~(6)~~~~(4)~~ The ~~county or~~ affected local government shall take
152 into consideration any comments provided pursuant to subsection
153 (5) by the commanding officer or his or her designee ~~when making~~
154 ~~such decision regarding comprehensive planning or land~~
155 ~~development regulation~~. The ~~county or~~ affected local government
156 shall forward a copy of any ~~such~~ comments regarding
157 comprehensive plan amendments to the state land planning agency.

158 ~~(7)~~~~(5)~~ To facilitate the exchange of information provided
159 ~~for~~ in this section, a representative of a military installation
160 acting on behalf of all military installations within that
161 jurisdiction shall be included as an ex officio, nonvoting
162 member of the county's or affected local government's land
163 planning or zoning board.

164 ~~(8)~~~~(6)~~ The commanding officer is encouraged to provide
165 information about any community planning assistance grants that
166 may be available to a county or affected local government
167 through the federal Office of Economic Adjustment as an
168 incentive for communities to participate in a joint planning
169 process that would facilitate the compatibility of community
170 planning and the activities and mission of the military
171 installation.

172 (9) If, as required under s. 163.3177(6)(a), a local



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173 government does not adopt criteria and address the compatibility
174 of lands adjacent to or closely proximate to existing military
175 installations in its future land use plan element by June 30,
176 2012, the local government, the military installation, the state
177 land planning agency, and other parties identified by the
178 regional planning council, including, but not limited to,
179 private landowner representatives, shall enter into mediation
180 conducted pursuant to s. 186.509. If the local government
181 comprehensive plan does not contain criteria addressing
182 compatibility by December 31, 2013, the agency may notify the
183 Administration Commission. The commission may impose sanctions
184 pursuant to s. 163.3184(11).

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

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

189 ~~(b) "Military installation" means a base, camp, post,~~
190 ~~station, airfield, yard, center, home port facility for any~~
191 ~~ship, or other land area under the jurisdiction of the~~
192 ~~Department of Defense, including any leased facility. Such term~~
193 ~~does not include any facility used primarily for civil works,~~
194 ~~rivers and harbors projects, or flood control projects.~~

195 Section 2. Paragraph (a) of subsection (6) of section
196 163.3177, Florida Statutes, is amended to read:

197 163.3177 Required and optional elements of comprehensive
198 plan; studies and surveys.—

199 (6) In addition to the requirements of subsections (1)-(5)
200 and (12), the comprehensive plan shall include the following
201 elements:



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202 (a) A future land use plan element designating proposed
203 future general distribution, location, and extent of the uses of
204 land for residential uses, commercial uses, industry,
205 agriculture, recreation, conservation, education, public
206 buildings and grounds, other public facilities, and other
207 categories of the public and private uses of land. Counties are
208 encouraged to designate rural land stewardship areas, pursuant
209 to paragraph (11) (d), as overlays on the future land use map.
210 Each future land use category must be defined in terms of uses
211 included, and must include standards to be followed in the
212 control and distribution of population densities and building
213 and structure intensities. The proposed distribution, location,
214 and extent of the various categories of land use must ~~shall~~ be
215 shown on a land use map or map series which shall be
216 supplemented by goals, policies, and measurable objectives. The
217 future land use plan shall be based upon surveys, studies, and
218 data regarding the area, including the amount of land required
219 to accommodate anticipated growth; the projected population of
220 the area; the character of undeveloped land; the availability of
221 water supplies, public facilities, and services; the need for
222 redevelopment, including the renewal of blighted areas and the
223 elimination of nonconforming uses which are inconsistent with
224 the character of the community; the compatibility of uses on
225 lands adjacent to or closely proximate to military
226 installations; lands adjacent to an airport as defined in s.
227 330.35 and consistent with s. 333.02; the discouragement of
228 urban sprawl; energy-efficient land use patterns accounting for
229 existing and future electric power generation and transmission
230 systems; greenhouse gas reduction strategies; and, in rural



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231 communities, the need for job creation, capital investment, and
232 economic development that will strengthen and diversify the
233 community's economy. The future land use plan may designate
234 areas for future planned development use involving combinations
235 of types of uses for which special regulations may be necessary
236 to ensure development in accord with the principles and
237 standards of the comprehensive plan and this act. The future
238 land use plan element must ~~shall~~ include criteria to be used to
239 achieve the compatibility of lands adjacent or closely proximate
240 to military installations, based on factors identified in s.
241 163.3175(5), and lands adjacent to an airport as defined in s.
242 330.35 and consistent with s. 333.02. In addition, for rural
243 communities, the amount of land designated for future planned
244 industrial use must ~~shall~~ be based on ~~upon~~ surveys and studies
245 that reflect the need for job creation, capital investment, and
246 the necessity to strengthen and diversify the local economies,
247 and may not be limited solely by the projected population of the
248 rural community. The future land use plan of a county may also
249 designate areas for possible future municipal incorporation. The
250 land use maps or map series must ~~shall~~ generally identify and
251 depict historic district boundaries and ~~shall~~ designate
252 historically significant properties meriting protection. For
253 coastal counties, the future land use element must include,
254 without limitation, regulatory incentives and criteria that
255 encourage the preservation of recreational and commercial
256 working waterfronts as defined in s. 342.07. The future land use
257 element must clearly identify the land use categories in which
258 public schools are an allowable use. When delineating the land
259 use categories in which public schools are an allowable use, a



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260 local government shall include in the categories sufficient land
261 proximate to residential development to meet the projected needs
262 for schools in coordination with public school boards and may
263 establish differing criteria for schools of different type or
264 size. Each local government shall include lands contiguous to
265 existing school sites, to the maximum extent possible, within
266 the land use categories in which public schools are an allowable
267 use. The failure by a local government to comply with these
268 school siting requirements will result in the prohibition of the
269 local government's ability to amend the local comprehensive
270 plan, except for plan amendments described in s. 163.3187(1)(b),
271 until the school siting requirements are met. Amendments
272 proposed by a local government for purposes of identifying the
273 land use categories in which public schools are an allowable use
274 are exempt from the limitation on the frequency of plan
275 amendments contained in s. 163.3187. The future land use element
276 must ~~shall~~ include criteria that encourage the location of
277 schools proximate to urban residential areas to the extent
278 possible and ~~shall~~ require that the local government seek to
279 collocate public facilities, such as parks, libraries, and
280 community centers, with schools to the extent possible and to
281 encourage the use of elementary schools as focal points for
282 neighborhoods. For schools serving predominantly rural counties,
283 defined as a county with a population of 100,000 or fewer, an
284 agricultural land use category is eligible for the location of
285 public school facilities if the local comprehensive plan
286 contains school siting criteria and the location is consistent
287 with such criteria. Local governments required to update or
288 amend their comprehensive plan to include criteria and address



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289 compatibility of lands adjacent or closely proximate to existing
290 military installations, or lands adjacent to an airport as
291 defined in s. 330.35 and consistent with s. 333.02, in their
292 future land use plan element shall transmit the update or
293 amendment to the state land planning agency by June 30, 2012.

294 Section 3. Section 196.061, Florida Statutes, is amended to
295 read:

296 196.061 Rental of homestead to constitute abandonment.—

297 (1) The rental of an entire dwelling previously claimed to
298 be a homestead for tax purposes constitutes ~~shall constitute~~ the
299 abandonment of said dwelling as a homestead, and such said
300 abandonment continues ~~shall continue~~ until the such dwelling is
301 physically occupied by the owner ~~thereof~~. However, such
302 abandonment ~~of such homestead~~ after January 1 of any year does
303 ~~shall~~ not affect the homestead exemption for tax purposes for
304 that particular year if so long as this provision is not used
305 for 2 consecutive years. ~~The provisions of~~

306 (2) This section does ~~shall~~ not apply to a member of the
307 Armed Forces of the United States whose service in such forces
308 is the result of a mandatory obligation imposed by the federal
309 Selective Service Act or who volunteers for service as a member
310 of the Armed Forces of the United States. Moreover, valid
311 military orders transferring such member are sufficient to
312 maintain permanent residence, for the purpose of s. 196.015, for
313 the member and his or her spouse.

314 Section 4. Section 455.02, Florida Statutes, is amended to
315 read:

316 455.02 Licensure of members of the Armed Forces in good
317 standing with administrative boards and their spouses.—



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

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

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

341 (a) An application must include proof that:

342 1. The applicant is married to a member of the Armed Forces
343 of the United States who is on active duty.

344 2. The applicant holds a valid license for the profession
345 issued by another state, the District of Columbia, any
346 possession or territory of the United States, or any foreign



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347 jurisdiction.

348 3. The applicant's spouse is assigned to a duty station in
349 this state and the applicant is also assigned to a duty station
350 in this state pursuant to the member's official active duty
351 military orders.

352 4. A complete set of the applicant's fingerprints has been
353 submitted to the Department of Law Enforcement for a statewide
354 criminal history check.

355 a. The Department of Law Enforcement shall forward the
356 fingerprints to the Federal Bureau of Investigation for a
357 national criminal history check. The department shall, and the
358 board may, review the results of the criminal history checks
359 according to the level 2 screening standards in s. 435.04 and
360 determine whether the applicant meets the licensure
361 requirements.

362 b. The costs of fingerprint processing shall be borne by
363 the applicant. If the applicant's fingerprints are submitted
364 through an authorized agency or vendor, the agency or vendor
365 shall collect the required processing fees and remit the fees to
366 the Department of Law Enforcement.

367 (b) An application must be accompanied by an application
368 fee prescribed by the department that is sufficient to cover the
369 cost of issuance of the temporary license.

370 (c) A temporary license expires 6 months after the date of
371 issuance and is not renewable.

372 Section 5. Subsections (4) and (7) of section 250.10,
373 Florida Statutes, are amended to read:

374 250.10 Appointment and duties of the Adjutant General.—

375 (4) Subject to confirmation by the Senate, the Adjutant



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376 General:

377 (a) Shall, subject to confirmation by the Senate, employ a
378 federally recognized officer of the Florida National Guard, who
379 has served in the Florida Army Guard for the preceding 5 years
380 and attained the rank of colonel or higher at the time of
381 appointment, to be the Assistant Adjutant General for Army.

382 (b) May employ an additional federally recognized officer
383 of the Florida National Guard, who has served in the Florida
384 Army Guard for the preceding 5 years and attained the rank of
385 colonel or higher at the time of appointment, to be a second
386 Assistant Adjutant General for Army.

387
388 Each ~~The~~ officer shall perform the duties required by the
389 Adjutant General.

390 (7) The Adjutant General shall develop an education
391 assistance program for members in good standing of the Florida
392 National Guard who enroll in an authorized course of study at a
393 public or nonpublic institution of higher learning in the state
394 which has been accredited by an accrediting body recognized by
395 the United States Department of Education or licensed by the
396 Commission for Independent Education ~~the Commission on Colleges~~
397 ~~of the Southern Association of Colleges and Schools~~. This
398 program shall be known as the Educational Dollars for Duty
399 program (EDD).

400 (a) The program shall set forth application requirements,
401 including, but not limited to, those requiring ~~requirements~~ that
402 the applicant:

- 403 1. Be 17 years of age or older.
404 2. Be presently domiciled in the state.



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405 3. Be an active drilling member and in good standing in the
406 Florida National Guard at the beginning of and throughout the
407 entire academic term for which benefits are received.

408 4. Maintain continuous satisfactory participation in the
409 Florida National Guard for any school term for which exemption
410 benefits are received.

411 5. Upon enrollment in the program, complete a memorandum of
412 agreement to comply with the rules of the program and serve in
413 the Florida National Guard for the period specified in the
414 member's enlistment or reenlistment contract.

415 (b) The program shall define those members of the Florida
416 National Guard who are ineligible to participate in the program
417 and those courses of study which are not authorized for the
418 program.

419 1. Ineligible members include, but are not limited to, any
420 member, commissioned officer, warrant officer, or enlisted
421 person who has obtained a master's degree using the program.

422 2. Courses not authorized include noncredit courses,
423 courses that do not meet degree requirements, courses that do
424 not meet requirements for completion of career training, or
425 other courses as determined by program definitions.

426 3. College-preparatory courses are authorized for the
427 program.

428 (c) The Adjutant General shall adopt rules for the overall
429 policy, guidance, administration, implementation, and proper use
430 of the program. Such rules must include, but not be limited to,
431 guidelines for certification by the Adjutant General of a guard
432 member's eligibility, procedures for notification to an
433 institution of a guard member's termination of eligibility, and



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434 procedures for restitution when a guard member fails to comply
435 with the penalties described in this section.

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