

HB 7129

2010

1                   A bill to be entitled  
2           An act relating to military support; amending s. 163.3175,  
3           F.S.; providing applicability of provisions governing  
4           compatibility of land development with military  
5           installations under the Local Government Comprehensive  
6           Planning and Land Development Regulation Act to specified  
7           local governments and associated military installations;  
8           authorizing the Florida Council on Military Base and  
9           Mission Support to recommend changes to such military  
10          installations and local governments based on a base's  
11          potential for impacts from encroachment and incompatible  
12          land uses and development; requiring affected local  
13          governments to transmit to the commanding officer of a  
14          military installation information relating to certain  
15          proposed changes to comprehensive plans, plan amendments,  
16          and proposed changes to land development regulations;  
17          requiring local governments to transmit, at the request of  
18          a commanding officer, copies of applications for  
19          development orders requesting specified variances or  
20          waivers within a zone of influence of a military  
21          installation; requiring a local government, military  
22          installation, the state land planning agency, and other  
23          parties to enter into mediation if a local government does  
24          not adopt criteria and address compatibility issues  
25          relating to lands adjacent to or closely proximate to  
26          existing military installations in its future land use  
27          plan element of a comprehensive plan by a specified date;  
28          authorizing notification of the Administration Commission

29 | if the local government comprehensive plan does not  
 30 | contain criteria addressing compatibility by a specified  
 31 | date; authorizing the imposition of sanctions by the  
 32 | Administration Commission; eliminating definitions;  
 33 | amending s. 163.3177, F.S.; specifying factors on which  
 34 | criteria used to achieve compatibility of lands adjacent  
 35 | to military installations in a future land use plan  
 36 | element of a comprehensive plan are to be based; amending  
 37 | s. 196.061, F.S.; providing that valid military orders  
 38 | transferring a military servicemember are sufficient to  
 39 | maintain permanent residence status of the servicemember  
 40 | and his or her spouse for purposes of such determination  
 41 | by a property appraiser; amending s. 455.02, F.S.;  
 42 | authorizing temporary professional licensure by the  
 43 | Department of Business and Professional Regulation of the  
 44 | spouses of certain active duty members of the Armed  
 45 | Forces; providing application requirements; requiring  
 46 | criminal history checks and fees; amending s. 250.10,  
 47 | F.S.; authorizing the Adjutant General to employ a second  
 48 | Assistant Adjutant General for Army; providing an  
 49 | effective date.

50 |  
 51 | Be It Enacted by the Legislature of the State of Florida:

52 |  
 53 | Section 1. Section 163.3175, Florida Statutes, is amended  
 54 | to read:

55 | 163.3175 Legislative findings on compatibility of  
 56 | development with military installations; exchange of information

HB 7129

2010

57 | between local governments and military installations.—

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

72 |       (2) Certain major military installations, due to their  
73 | mission and activities, have a greater potential for  
74 | experiencing compatibility and coordination issues than others.  
75 | Consequently, this section and the provisions in s.  
76 | 163.3177(6)(a), relating to compatibility of land development  
77 | with military installations, apply to specific affected local  
78 | governments in proximity to and in association with specific  
79 | military installations, as follows:

80 |       (a) Avon Park Air Force Range, associated with Highlands,  
81 | Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,  
82 | and Frostproof.

83 |       (b) Camp Blanding, associated with Clay, Bradford, and  
84 | Putnam Counties.

85           (c) Eglin Air Force Base and Hurlburt Field, associated  
 86 with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco  
 87 Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach,  
 88 Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and  
 89 Valparaiso.

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

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

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

95           (g) Naval Air Station Jacksonville, Marine Corps Blount  
 96 Island Command, and outlying landing field Whitehouse,  
 97 associated with Jacksonville.

98           (h) Naval Air Station Key West, associated with Monroe  
 99 County and Key West.

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

102           (j) Naval Air Station Pensacola, associated with Escambia  
 103 County.

104           (k) Naval Air Station Whiting Field and its outlying  
 105 landing fields, associated with Santa Rosa and Escambia  
 106 Counties.

107           (l) Naval Station Mayport, associated with Atlantic Beach  
 108 and Jacksonville.

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

111           (n) Tyndall Air Force Base, associated with Gulf and Bay  
 112 Counties, and Mexico Beach and Parker.

HB 7129

2010

113       (3) The Florida Council on Military Base and Mission  
114 Support may recommend to the Legislature changes to the military  
115 installations and local governments specified in subsection (2)  
116 based on a military base's potential for impacts from  
117 encroachment, and incompatible land uses and development.

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

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

140       (a) If the installation has an airfield, whether such

HB 7129

2010

141 | proposed changes will be incompatible with the safety and noise  
 142 | standards contained in the Air Installation Compatible Use Zone  
 143 | (AICUZ) adopted by the military installation for that airfield;

144 |       (b) Whether such changes are incompatible with the  
 145 | Installation Environmental Noise Management Program (IENMP) of  
 146 | the United States Army;

147 |       (c) Whether such changes are incompatible with the  
 148 | findings of a Joint Land Use Study (JLUS) for the area if one  
 149 | has been completed; and

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

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

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

166 |       (8)-(6) The commanding officer is encouraged to provide  
 167 | information about any community planning assistance grants that  
 168 | may be available to a county or affected local government

169 through the federal Office of Economic Adjustment as an  
 170 incentive for communities to participate in a joint planning  
 171 process that would facilitate the compatibility of community  
 172 planning and the activities and mission of the military  
 173 installation.

174 (9)-(7) If a local government, as required under s.  
 175 163.3177(6)(a), does not adopt criteria and address  
 176 compatibility of lands adjacent to or closely proximate to  
 177 existing military installations in its future land use plan  
 178 element by June 30, 2012, the local government, the military  
 179 installation, the state land planning agency, and other parties  
 180 as identified by the regional planning council, including, but  
 181 not limited to, private landowner representatives, shall enter  
 182 into mediation conducted pursuant to s. 186.509. If the local  
 183 government comprehensive plan does not contain criteria  
 184 addressing compatibility by December 31, 2013, the agency may  
 185 notify the Administration Commission. The Administration  
 186 Commission may impose sanctions pursuant to s. 163.3184(11).

187 ~~As used in this section, the term:~~

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

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

HB 7129

2010

197 Section 2. Paragraph (a) of subsection (6) of section  
198 163.3177, Florida Statutes, is amended to read:

199 163.3177 Required and optional elements of comprehensive  
200 plan; studies and surveys.—

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

204 (a) A future land use plan element designating proposed  
205 future general distribution, location, and extent of the uses of  
206 land for residential uses, commercial uses, industry,  
207 agriculture, recreation, conservation, education, public  
208 buildings and grounds, other public facilities, and other  
209 categories of the public and private uses of land. Counties are  
210 encouraged to designate rural land stewardship areas, pursuant  
211 to paragraph (11)(d), as overlays on the future land use map.  
212 Each future land use category must be defined in terms of uses  
213 included, and must include standards to be followed in the  
214 control and distribution of population densities and building  
215 and structure intensities. The proposed distribution, location,  
216 and extent of the various categories of land use shall be shown  
217 on a land use map or map series which shall be supplemented by  
218 goals, policies, and measurable objectives. The future land use  
219 plan shall be based upon surveys, studies, and data regarding  
220 the area, including the amount of land required to accommodate  
221 anticipated growth; the projected population of the area; the  
222 character of undeveloped land; the availability of water  
223 supplies, public facilities, and services; the need for  
224 redevelopment, including the renewal of blighted areas and the



HB 7129

2010

225 | elimination of nonconforming uses which are inconsistent with  
226 | the character of the community; the compatibility of uses on  
227 | lands adjacent to or closely proximate to military  
228 | installations; lands adjacent to an airport as defined in s.  
229 | 330.35 and consistent with s. 333.02; the discouragement of  
230 | urban sprawl; energy-efficient land use patterns accounting for  
231 | existing and future electric power generation and transmission  
232 | systems; greenhouse gas reduction strategies; and, in rural  
233 | communities, the need for job creation, capital investment, and  
234 | economic development that will strengthen and diversify the  
235 | community's economy. The future land use plan may designate  
236 | areas for future planned development use involving combinations  
237 | of types of uses for which special regulations may be necessary  
238 | to ensure development in accord with the principles and  
239 | standards of the comprehensive plan and this act. The future  
240 | land use plan element shall include criteria to be used to  
241 | achieve the compatibility of lands adjacent or closely proximate  
242 | to military installations, based on factors identified in s.  
243 | 163.3175(5), and lands adjacent to an airport as defined in s.  
244 | 330.35 and consistent with s. 333.02. In addition, for rural  
245 | communities, the amount of land designated for future planned  
246 | industrial use shall be based upon surveys and studies that  
247 | reflect the need for job creation, capital investment, and the  
248 | necessity to strengthen and diversify the local economies, and  
249 | may not be limited solely by the projected population of the  
250 | rural community. The future land use plan of a county may also  
251 | designate areas for possible future municipal incorporation. The  
252 | land use maps or map series shall generally identify and depict

HB 7129

2010

253 historic district boundaries and shall designate historically  
254 significant properties meriting protection. For coastal  
255 counties, the future land use element must include, without  
256 limitation, regulatory incentives and criteria that encourage  
257 the preservation of recreational and commercial working  
258 waterfronts as defined in s. 342.07. The future land use element  
259 must clearly identify the land use categories in which public  
260 schools are an allowable use. When delineating the land use  
261 categories in which public schools are an allowable use, a local  
262 government shall include in the categories sufficient land  
263 proximate to residential development to meet the projected needs  
264 for schools in coordination with public school boards and may  
265 establish differing criteria for schools of different type or  
266 size. Each local government shall include lands contiguous to  
267 existing school sites, to the maximum extent possible, within  
268 the land use categories in which public schools are an allowable  
269 use. The failure by a local government to comply with these  
270 school siting requirements will result in the prohibition of the  
271 local government's ability to amend the local comprehensive  
272 plan, except for plan amendments described in s. 163.3187(1)(b),  
273 until the school siting requirements are met. Amendments  
274 proposed by a local government for purposes of identifying the  
275 land use categories in which public schools are an allowable use  
276 are exempt from the limitation on the frequency of plan  
277 amendments contained in s. 163.3187. The future land use element  
278 shall include criteria that encourage the location of schools  
279 proximate to urban residential areas to the extent possible and  
280 shall require that the local government seek to collocate public

HB 7129

2010

281 facilities, such as parks, libraries, and community centers,  
282 with schools to the extent possible and to encourage the use of  
283 elementary schools as focal points for neighborhoods. For  
284 schools serving predominantly rural counties, defined as a  
285 county with a population of 100,000 or fewer, an agricultural  
286 land use category is eligible for the location of public school  
287 facilities if the local comprehensive plan contains school  
288 siting criteria and the location is consistent with such  
289 criteria. Local governments required to update or amend their  
290 comprehensive plan to include criteria and address compatibility  
291 of lands adjacent or closely proximate to existing military  
292 installations, or lands adjacent to an airport as defined in s.  
293 330.35 and consistent with s. 333.02, in their future land use  
294 plan element shall transmit the update or amendment to the state  
295 land planning agency by June 30, 2012.

296 Section 3. Section 196.061, Florida Statutes, is amended  
297 to read:

298 196.061 Rental of homestead to constitute abandonment.—The  
299 rental of an entire dwelling previously claimed to be a  
300 homestead for tax purposes shall constitute the abandonment of  
301 said dwelling as a homestead, and said abandonment shall  
302 continue until such dwelling is physically occupied by the owner  
303 thereof. However, such abandonment of such homestead after  
304 January 1 of any year shall not affect the homestead exemption  
305 for tax purposes for that particular year so long as this  
306 provision is not used for 2 consecutive years. The provisions of  
307 this section shall not apply to a member of the Armed Forces of  
308 the United States whose service in such forces is the result of

HB 7129

2010

309 a mandatory obligation imposed by the federal Selective Service  
 310 Act or who volunteers for service as a member of the Armed  
 311 Forces of the United States. Moreover, valid military orders  
 312 transferring such member shall be sufficient to maintain  
 313 permanent residence, for the purpose of s. 196.015, for the  
 314 member and his or her spouse.

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

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

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

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

HB 7129

2010

337 with the Armed Forces.

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

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

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

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

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

356 b. The Department of Law Enforcement shall forward the  
357 fingerprints submitted pursuant to sub-subparagraph a. to the  
358 Federal Bureau of Investigation for a national criminal history  
359 check. The department shall, and the board may, review the  
360 results of the criminal history checks according to the level 2  
361 screening standards in s. 435.04 and determine whether the  
362 applicant meets the licensure requirements. The costs of  
363 fingerprint processing shall be borne by the applicant. If the  
364 applicant's fingerprints are submitted through an authorized

HB 7129

2010

365 agency or vendor, the agency or vendor shall collect the  
366 required processing fees and remit the fees to the Department of  
367 Law Enforcement.

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

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

373 Section 5. Subsection (4) of section 250.10, Florida  
374 Statutes, is amended to read:

375 250.10 Appointment and duties of the Adjutant General.—

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

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

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

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