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CS/HB 7129, Engrossed 1

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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

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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 to be
34 | considered with respect to criteria used to achieve
35 | compatibility of lands adjacent to military installations
36 | in a future land use plan element of a comprehensive plan;
37 | amending s. 196.061, F.S.; providing that valid military
38 | orders transferring a military servicemember are
39 | sufficient to maintain permanent residence status of the
40 | servicemember and his or her spouse for purposes of such
41 | determination by a property appraiser; amending s. 455.02,
42 | F.S.; 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; revising
49 | accreditation standards for educational institutions with
50 | respect to the Educational Dollars for Duty education
51 | assistance program; providing an effective date.

52 |
53 | Be It Enacted by the Legislature of the State of Florida:

54 |
55 | Section 1. Section 163.3175, Florida Statutes, is amended
56 | to read:

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57 | 163.3175 Legislative findings on compatibility of
58 | development with military installations; exchange of information
59 | between local governments and military installations.—

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

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

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

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85 (b) Camp Blanding, associated with Clay, Bradford, and
 86 Putnam Counties.

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

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

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

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

97 (g) Naval Air Station Jacksonville, Marine Corps Support
 98 Facility-Blount Island, and outlying landing field Whitehouse,
 99 associated with Jacksonville.

100 (h) Naval Air Station Key West, associated with Monroe
 101 County and Key West.

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

104 (j) Naval Air Station Pensacola, associated with Escambia
 105 County.

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

109 (l) Naval Station Mayport, associated with Atlantic Beach
 110 and Jacksonville.

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

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

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

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

138 (5)-(3) The commanding officer or his or her designee may
 139 provide comments to the county or affected local government on
 140 the impact such proposed changes may have on the mission of the

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141 military installation. Such comments may include:

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

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

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

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

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

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

168 (8)~~(6)~~ The commanding officer is encouraged to provide

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169 information about any community planning assistance grants that
 170 may be available to a county or affected local government
 171 through programs such as those of the federal Office of Economic
 172 Adjustment as an incentive for communities to participate in a
 173 joint planning process that would facilitate the compatibility
 174 of community planning and the activities and mission of the
 175 military installation.

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

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

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

193 ~~(b) "Military installation" means a base, camp, post,~~
 194 ~~station, airfield, yard, center, home port facility for any~~
 195 ~~ship, or other land area under the jurisdiction of the~~
 196 ~~Department of Defense, including any leased facility. Such term~~

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197 ~~does not include any facility used primarily for civil works,~~
 198 ~~rivers and harbors projects, or flood control projects.~~

199 Section 2. Paragraph (a) of subsection (6) of section
 200 163.3177, Florida Statutes, is amended to read:

201 163.3177 Required and optional elements of comprehensive
 202 plan; studies and surveys.-

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

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

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

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

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

298 Section 3. Section 196.061, Florida Statutes, is amended
299 to read:

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

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309 | this section shall not apply to a member of the Armed Forces of
 310 | the United States whose service in such forces is the result of
 311 | a mandatory obligation imposed by the federal Selective Service
 312 | Act or who volunteers for service as a member of the Armed
 313 | Forces of the United States. Moreover, valid military orders
 314 | transferring such member shall be sufficient to maintain
 315 | permanent residence, for the purpose of s. 196.015, for the
 316 | member and his or her spouse.

317 | Section 4. Section 455.02, Florida Statutes, is amended to
 318 | read:

319 | 455.02 Licensure of members of the Armed Forces in good
 320 | standing with administrative boards and their spouses.—

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

334 | (2) The boards listed in s. 20.165 shall adopt promulgate
 335 | rules that exempt ~~exempting~~ the spouse spouses of a member
 336 | ~~members~~ of the Armed Forces of the United States from licensure

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337 renewal provisions, but only in cases of his or her absence from
338 the state because of his or her spouse's ~~their spouses'~~ duties
339 with the Armed Forces.

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

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

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

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

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

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

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365 fingerprint processing shall be borne by the applicant. If the
366 applicant's fingerprints are submitted through an authorized
367 agency or vendor, the agency or vendor shall collect the
368 required processing fees and remit the fees to the Department of
369 Law Enforcement.

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

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

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

377 250.10 Appointment and duties of the Adjutant General.—

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

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

390
391 Each ~~The~~ officer shall perform the duties required by the
392 Adjutant General.

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

403 (a) The program shall set forth application requirements,
404 including, but not limited to, requirements that the applicant:

- 405 1. Be 17 years of age or older.
- 406 2. Be presently domiciled in the state.
- 407 3. Be an active drilling member and in good standing in
408 the Florida National Guard at the beginning of and throughout
409 the entire academic term for which benefits are received.
- 410 4. Maintain continuous satisfactory participation in the
411 Florida National Guard for any school term for which exemption
412 benefits are received.

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

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

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

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

428 3. College-preparatory courses are authorized for the
429 program.

430 (c) The Adjutant General shall adopt rules for the overall
431 policy, guidance, administration, implementation, and proper use
432 of the program. Such rules must include, but not be limited to,
433 guidelines for certification by the Adjutant General of a guard
434 member's eligibility, procedures for notification to an
435 institution of a guard member's termination of eligibility, and
436 procedures for restitution when a guard member fails to comply
437 with the penalties described in this section.

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