

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

BILL: SB 1532

INTRODUCER: Senator Altman

SUBJECT: The Florida Council on Military Base and Mission Support

DATE: March 29, 2011

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|--------------------|
| 1. | <u>Fleming</u> | <u>Carter</u> | <u>MS</u> | <u>Pre-meeting</u> |
| 2. | _____ | _____ | <u>EP</u> | _____ |
| 3. | _____ | _____ | <u>BC</u> | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill establishes the Military Base Encroachment Mitigation Workgroup (workgroup) within the Florida Council on Military Base and Mission Support (council). The workgroup is tasked to consider and prioritize lands adjacent to federal military installations which could be purchased by the state and converted into public parks for off-highway vehicle use. This bill also provides for the annual allocation of \$2 million from the State Transportation Trust Fund to the council for the purpose of purchasing these lands, in which 10-percent of the funds may be used for administrative purposes.

This bill substantially amends section 288.984 of the Florida Statutes.

II. Present Situation:

The Florida House of Representatives Committee on Military and Veterans' Affairs prepared an Interim Project Report in February 2008 on military base encroachment and Base Realignment and Closure and reported the following:¹

Military Base Encroachment

Florida is home to 20 military installations, three of the nine U.S. unified Combatant Commands,² and approximately 42,600 active-duty

¹ Florida House of Representatives Committee on Military and Veterans' Affairs, February 2008, Interim Project Report entitled *Military Base Encroachment: A White Paper* Available at: [http://www.myfloridahouse.gov/sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2345&Session=2008&DocumentType=Reports&FileName=Military Base Encroachment.pdf](http://www.myfloridahouse.gov/sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2345&Session=2008&DocumentType=Reports&FileName=Military%20Base%20Encroachment.pdf)

servicemembers.³ Florida's geographic location provides unique and important training opportunities for servicemembers from all branches of the U.S. military. In turn, the military and defense-related industries provide significant economic benefits to local military communities and the state as a whole. Fiscal year 2008 defense-related spending is directly or indirectly responsible for \$58.1 billion, or 7.5 percent, of Florida's gross state product of \$775.45 billion.⁴ This mutually beneficial relationship may be jeopardized to some degree, however, if military installations in Florida are unable to perform their current and future missions due to the incompatible use or development of public or private property near installations, training areas, or testing grounds. If an installation is unable to fully perform its training or testing missions due to incompatible development, the federal government may transfer missions from Florida to installations located in other states or, in extreme cases, completely close Florida installations during future base realignment and closure reviews, potentially reducing the thousands of jobs and billions of dollars in economic activity installations generate.⁵

Encroachment on U.S. military installations and training and testing ranges is a significant and growing concern for the Department of Defense (DoD). Encroachment – a term used by the DoD to refer to incompatible uses of land, air, water, and other resources – is the cumulative impact of urban development that hampers the military's ability to carry out its testing and training missions.⁶ A recent California study defined encroachment as “more than just increased population and urban growth edging closer to installation boundaries. It is also the effect that military installations have on nearby residents, and the environmental issues that are created as endangered species migrate to military lands in order to survive.”⁷

Thus, the rapid pace of urban growth into formerly undeveloped lands near Florida's military installations, training areas, and testing grounds presents several potential problems: new residents may be concerned about safety and noise issues in regard to nearby military activities; existing residents may be concerned about safety and noise issues in regard to new or louder equipment deployed by the military; and installations may find that important training or

² The nine U.S. unified Combatant Commands within the DoD include: Central Command (located in Florida); European Command; Joint Forces Command; Northern Command; Pacific Command; Southern Command (located in Florida); Special Operations Command (located in Florida); Strategic Command; and Transportation Command.

³ University of West Florida. Haas Center for Business Research and Economic Development. Florida Defense Industry Economic Impact Analysis. January 2011. Available at: http://floridadefense.org/documents/HAAS%20Study%202011/FLdefense_Volume_1.pdf. Statistic updated March 29, 2011.

⁴ *Id.*

⁵ NGA Center Offers Strategies for Compatible Development Near Military Bases, Press Release, National Governors Association (March 13, 2006).

⁶ Working with State Legislators: A Guide for Military Installations and State Legislators, Dept. of Defense, National Conference of State Legislatures, p.4. (undated)

⁷ California Advisory Handbook for Community and Military Compatibility Planning, State of California, Governor's Office of Planning and Research, p. E-1 (Feb. 2006).

testing exercises are compromised due to the proximity of incompatible development.

Florida has made concerted efforts to mitigate incompatible development of lands near military installations by enacting laws that encourage development of working relationships between the military and local governments, establish land use planning requirements, and provide for the purchase of lands that serve the dual purpose of conserving valuable natural resources and buffering military installations from incompatible development. According to the DoD, Florida is one of the leading states in the passage of laws addressing military installations and civilian encroachment.⁸

Even though Florida has taken steps to mitigate encroachment and ensure a continued military presence in Florida by enacting specific laws to address the issue, 13 military installations and 7 local governments report that incompatible development is a current or foreseeable problem. As the state's population continues to expand, urban growth will place increasing pressure on installations to modify training and/or testing missions. As this pressure intensifies, the challenge faced by the state will be to strike the appropriate balance between protecting the military's ability to fully utilize its Florida installations with the local governments' need to accommodate growth and the property rights of private landowners.

Base Realignment and Closure⁹

"BRAC" is an acronym used for "base realignment and closure," which is the congressionally authorized process DoD has used since 1988 "to reorganize its base structure to more efficiently and effectively support our forces, increase operational readiness and facilitate new ways of doing business."¹⁰ All military installations within the United States and its territories are examined as part of the periodic review process. The most recent BRAC round was completed in 2005 and will result in the closure of 25 major installations around the country and radical realignment of 24 others.

Encroachment is considered an important factor in determining whether to close or realign military installations. In 2005, 11 Florida military facilities were affected by the BRAC process. Eglin Air Force Base and Naval Air Support Jacksonville received additional missions and a significant number of new military and civilian jobs, whereas Naval Air Station Pensacola lost

⁸ Practical Guide to Compatible Civilian Development Near Military Installations, Dept. of Defense, Office of Economic Adjustment, in cooperation with the National Governors Association Center for Best Practices, p. III-3 (July 2005)

⁹ The provisions of Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Pub. L. 100-526, 102 Stat. 2623, 10 U.S.C. S 2687 note), or the Defense Base Closure and Realignment Act of 1990 (Pub. L. 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. S 2687 note).

¹⁰ U.S. Dept. of Defense Website, BRAC Realignment and Closure 2005, Definitions. May be found at http://www.defenselink.mil/brac/definitions_brac2005.html.

approximately 400 military and 700 civilian jobs. Overall, approximately 4,200 military jobs were added and approximately 400 civilian jobs were deleted in Florida.

Florida Council on Military Base and Mission Support

In 2009, the Legislature passed HB 7123 creating the Florida Council on Military Base and Mission Support (council),¹¹ designed to enhance Florida support to the existing military structure and prepare for future BRAC events. Specifically, the mission of the council is to:¹²

- Support and strengthen all U.S. Department of Defense missions and bases located in Florida;
- Know the capabilities of all state military installations in order to understand and be supportive of future military growth opportunities in Florida;
- Support local community efforts relating to mission support of a military base by acting as a liaison between the local communities and the Legislature; and
- Enhance Florida's defense economy.

The council is composed of nine members, in which the President of the Senate, Speaker of the House of Representatives, and the Governor each appoint three members. Each of the appointed legislative members¹³ serves 2-year terms and the other appointed members serve 4-year terms. All members of the council are eligible for reappointment. The Office of Tourism, Trade, and Economic Development provides administrative support to the council.

The following workgroups are established within the council:¹⁴

- The Intrastate Activities Workgroup;
- The Federal Activities Workgroup;
- The Competitive Advantages Workgroup; and
- The Public Communications Workgroup.

By January 1 of each year, the council must submit a report to the Legislature and the Governor on the current status of the state's military bases, the council's activities, and any recommendations for legislative or executive action.¹⁵

Off-Highway Vehicle Recreation

In 2002, the Legislature passed the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act¹⁶ to develop an off-highway vehicle (OHV) recreational system to meet the increased demand for the sport. Section 261.01, F.S., designates the Division of Forestry (division) within the Florida Department of Agriculture and Consumer Services as the entity responsible for the implementation of the Off-Highway Vehicle Safety and Recreation Program. and for the coordination, development, and management of lands in the OHV recreational

¹¹ Section 288.984, F.S.

¹² Section 288.984(1), F.S.

¹³ The President of the Senate is required to appoint one member of the Senate. The Speaker of the House of Representatives is required to appoint one member of the House of Representatives.

¹⁴ Section 288.984 (3), F.S.

¹⁵ Section 288.984 (4), F.S.

¹⁶ Chapter 261, F.S.

system. The mission of the Off-Highway Vehicle Safety and Recreation Program is to provide the public with greater opportunities for riding off-highway vehicles on public lands.¹⁷

Section 261.03(6), F.S., defines “off-highway vehicle” as any all-terrain vehicle (ATV),¹⁸ two-rider ATV,¹⁹ recreational off-highway vehicle (ROV),²⁰ or off-highway motorcycle (OHM)²¹ that is used off the roads or highways of Florida and that is not registered and licensed for highway use under chapter 320, F.S.

Section 261.04, F.S., creates the Off-Highway Vehicle Recreation Advisory Committee (advisory committee) within the division and consists of nine members, all of whom are appointed by the Commissioner of Agriculture. Some of the main duties and responsibilities of the advisory committee include:

- Establishing policies to guide the department regarding the Off-Highway Vehicle Recreation Program;
- Making recommendations to the department regarding off-highway vehicle safety and training and education programs;
- Being informed of off-highway vehicle impacts and effects on the environment and wildlife habitats and make recommendations to avoid or minimize adverse environmental impacts;
- Being informed of the inventory of off-highway vehicle access and opportunities; and
- Reviewing grant applications submitted by any governmental or nongovernmental entity requesting moneys from the division’s Incidental Trust Fund to create, operate, manage, or improve off-highway vehicle recreation areas or trails within the state.

Section 261.12, F.S., designates off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services. These funds are used exclusively for the following:

- Implementation of the Off-Highway Vehicle Recreation Program;
- Approved grants to governmental or nongovernmental entities that wish to provide or improve off-highway vehicle recreation areas or trails for public use on public lands, provide environmental protection and restoration to affected natural areas, provide enforcement of applicable regulations related to off-highway vehicle activities, or provide education in the operation of off-highway vehicles; and
- Matching funds to be used to match grant funds available from other sources.

¹⁷ Florida Off-Highway Safety and Recreation website. *About Us*. Available at: <http://www.floridaohv.org/>. Site last accessed March 29, 2011.

¹⁸ “ATV” means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger.

¹⁹ “Two-rider ATV” means any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

²⁰ “ROV” means any motorized recreational off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons.

²¹ “OHM” means any motor vehicle used off the roads or highways of Florida that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or moped.

Currently, the division operates two designated OHV areas on Florida state forests: Croom Motorcycle Area at Withlacoochee State Forest and the OHV trail system at Tate's Hell State Forest.²² ATVs, ROVs, and OHMs are the only unlicensed motor vehicles allowed in designated OHV areas. In addition to the two Florida state forests designated for OHV recreation, the following Florida destinations provide OHV recreation sites:²³

National Forests

- Apalachicola National Forest
- Ocala National Forest
- Osceola Nation Forest

National Preserves

- Big Cypress National Preserve

Select Florida Fish and Wildlife Conservation Commission properties²⁴

- Bull Creek
- Three Lakes
- Apalachicola River
- Big Bend
- Apalachee²⁵

Suwannee River Water Management District

- Mallory Swamp

Miami-Dade County Park and Recreation

- Milton E. Thompson Park

III. Effect of Proposed Changes:

This bill amends s. 288.984, F.S., to establish the Military Base Encroachment Mitigation Workgroup (workgroup) within the Florida Council on Military Base and Mission Support (council). The workgroup is tasked to consider and prioritize lands adjacent to federal military installations which could be purchased by the state and converted into public parks for off-highway vehicle use.

This bill also provides for the annual allocation of \$2 million from the State Transportation Trust Fund to the council for the purpose of purchasing lands adjacent to federal military installations to be converted into public parks for off-highway vehicle use, in which 10-percent of the funds may be used for administrative purposes.

²² Florida Department of Agriculture and Consumer Services, Division of Forestry. *Off-Highway Vehicle Recreation on State Forests*. Available at: www.fl-dof.com/forest_recreation/ohv_index.html. Site last accessed March 27, 2011.

²³ Florida Off-Highway Safety and Recreation website. *Where to Ride in Florida*. Available at: <http://www.floridaohv.org/>. Site last accessed March 29, 2011.

²⁴ Florida Fish and Wildlife Conservation Commission allows OHV recreation during non-hunting periods only.

²⁵ Florida Fish and Wildlife Conservation Commission information request by professional staff of the Senate Military Affairs, Space, and Domestic Security Committee. March 28, 2011.

This bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill requires \$2 million to be allocated annually from the State Transportation Trust Fund to the Florida Council on Military Base Support.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
