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1
2 An act relating to military installations; amending s.
3 163.3175, F.S.; authorizing the Florida Defense
4 Support Task Force to recommend to the Legislature
5 specified changes in military installations and local
6 governments under the Community Planning Act;
7 clarifying and revising procedures related to exchange
8 of information between military installations and
9 local governments under the act; amending s. 288.972,
10 F.S.; revising legislative intent with respect to
11 proposed closure or reuse of military bases; amending
12 s. 288.980, F.S.; creating the Military Base
13 Protection Program within the Department of Economic
14 Opportunity; providing for use of program funds;
15 revising provisions relating to the award of grants
16 for retention of military installations; revising a
17 definition; eliminating the Florida Economic
18 Reinvestment Initiative; establishing the Florida
19 Defense Reinvestment Grant Program to be administered
20 by the Department of Economic Opportunity; specifying
21 purposes of the program; specifying activities for
22 which grant awards may be provided; eliminating the
23 Defense-Related Business Adjustment Program, the
24 Florida Defense Planning Grant Program, the Florida
25 Defense Implementation Grant Program, the Florida
26 Military Installation Reuse Planning and Marketing
27 Grant Program, and the Retention of Military
28 Installations Program; transferring and reassigning

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29 | the functions and responsibilities of the Florida
 30 | Council on Military Base and Mission Support within
 31 | the Department of Economic Opportunity to the Florida
 32 | Defense Support Task Force within the Department of
 33 | Economic Opportunity by type two transfer; repealing
 34 | s. 288.984, F.S., which establishes the Florida
 35 | Council on Military Base and Mission Support and
 36 | provides purposes thereof; amending s. 288.985, F.S.;
 37 | conforming provisions relating to exempt records and
 38 | meetings of the Council on Military Base and Mission
 39 | Support; amending s. 288.987, F.S.; revising
 40 | provisions relating to the Florida Defense Support
 41 | Task Force, to conform; providing effective dates.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | Section 1. Subsections (3), (5), and (6) of section
 46 | 163.3175, Florida Statutes, are amended to read:

47 | 163.3175 Legislative findings on compatibility of
 48 | development with military installations; exchange of information
 49 | between local governments and military installations.—

50 | (3) The Florida Defense Support Task Force ~~Council on~~
 51 | ~~Military Base and Mission Support~~ may recommend to the
 52 | Legislature changes to the military installations and local
 53 | governments specified in subsection (2) based on a military
 54 | base's potential for impacts from encroachment, and incompatible
 55 | land uses and development.

56 | (5) The commanding officer or his or her designee may

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57 | provide advisory comments to the affected local government on
58 | the impact such proposed changes may have on the mission of the
59 | military installation. Such advisory comments shall be based on
60 | appropriate data and analyses provided with the comments and may
61 | include:

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

66 | (b) Whether such changes are incompatible with the
67 | Installation Environmental Noise Management Program (IENMP) of
68 | the United States Army;

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

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

75 |

76 | The commanding officer's comments, underlying studies, and
77 | reports shall be considered by the local government in the same
78 | manner as the comments received from other reviewing agencies
79 | pursuant to s. 163.3184 ~~are not binding on the local government.~~

80 | (6) The affected local government shall take into
81 | consideration any comments and accompanying data and analyses
82 | provided by the commanding officer or his or her designee
83 | pursuant to subsection (4) as they relate to the strategic
84 | mission of the base, public safety, and the economic vitality

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85 associated with the base's operations, while also respecting and
 86 ~~must also be sensitive to~~ private property rights and not being
 87 ~~be~~ unduly restrictive on those rights. The affected local
 88 government shall forward a copy of any comments regarding
 89 comprehensive plan amendments to the state land planning agency.

90 Section 2. Subsections (9) and (10) of section 288.972,
 91 Florida Statutes, are amended to read:

92 288.972 Legislative intent.—It is the policy of this
 93 state, once the Federal Government has proposed any base closure
 94 or has determined that military bases, lands, or installations
 95 are to be closed and made available for reuse, to:

96 ~~(9) Coordinate the development of the Defense-Related~~
 97 ~~Business Adjustment Program to increase commercial technology~~
 98 ~~development by defense companies.~~

99 (9) ~~(10)~~ Coordinate the development, maintenance, and
 100 analysis of a workforce database to assist workers adversely
 101 affected by defense-related activities in their relocation
 102 efforts.

103 Section 3. Section 288.980, Florida Statutes, is amended
 104 to read:

105 288.980 Military base retention; legislative intent;
 106 grants program.—

107 (1) (a) It is the intent of this state to provide the
 108 necessary means to assist communities with military
 109 installations in supporting and sustaining those installations
 110 ~~that would be adversely affected by federal base realignment or~~
 111 ~~closure actions.~~ It is further the intent to encourage
 112 communities to initiate a coordinated program of response and

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113 plan of action in advance of future actions of the federal
 114 government relating to realignments and closures ~~Base~~
 115 ~~Realignment and Closure Commission~~. It is critical that ~~closure-~~
 116 ~~vulnerable~~ communities develop and implement strategies ~~such a~~
 117 ~~program~~ to preserve and protect ~~affected~~ military installations.
 118 The Legislature hereby recognizes that the state needs to
 119 coordinate all efforts that can support ~~facilitate the retention~~
 120 ~~of all remaining~~ military installations throughout ~~in~~ the state.
 121 The Legislature, therefore, declares that providing such
 122 assistance to support the defense-related initiatives within
 123 this section is a public purpose for which public money may be
 124 used.

125 (b) The Florida Defense Alliance, an organization within
 126 Enterprise Florida, is designated as the organization to ensure
 127 that Florida, its resident military bases and missions, and its
 128 military host communities are in competitive positions as the
 129 United States continues its defense realignment and downsizing.
 130 The defense alliance shall serve as an overall advisory body for
 131 defense-related activity of Enterprise Florida, Inc. The Florida
 132 Defense Alliance may receive funding from appropriations made
 133 for that purpose administered by the department.

134 (2) The Military Base Protection Program is created. Funds
 135 appropriated to this program may be used to address emergent
 136 needs relating to mission sustainment and base retention. All
 137 funds appropriated for the purposes of this program are eligible
 138 to be used for matching of federal funds. The department shall
 139 coordinate and implement this program.

140 (3)-(2)(a) The department is authorized to award grants on

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141 a competitive basis from any funds available to it to support
 142 activities related to the Florida Defense Reinvestment Grant
 143 Program and the Florida Defense Infrastructure Grant Program
 144 ~~retention of military installations potentially affected by~~
 145 ~~federal base closure or realignment.~~

146 (b) The term "activities" as used in this section means
 147 studies, presentations, analyses, plans, and modeling. For the
 148 purposes of the Florida Defense Infrastructure Grant Program,
 149 the term "activities" also includes, but is not limited to,
 150 construction, land purchases, and easements. Staff salaries are
 151 not considered an "activity" for which grant funds may be
 152 awarded. Travel costs and costs incidental thereto incurred by a
 153 grant recipient shall be considered an "activity" for which
 154 grant funds may be awarded.

155 (c) ~~Except for grants issued pursuant to the Florida~~
 156 ~~Military Installation Reuse Planning and Marketing Grant Program~~
 157 ~~as described in paragraph (3)(c), the amount of any grant~~
 158 ~~provided to an applicant may not exceed \$250,000.~~ The department
 159 shall require that an applicant:

160 1. Represent a local government with a military
 161 installation or military installations that could be adversely
 162 affected by federal actions ~~base realignment or closure.~~

163 2. Agree to match at least 30 percent of any grant
 164 awarded.

165 3. Prepare a coordinated program or plan of action
 166 delineating how the eligible project will be administered and
 167 accomplished.

168 4. Provide documentation describing the potential for

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169 changes to the mission ~~realignment or closure~~ of a military
 170 installation located in the applicant's community and the
 171 potential adverse impacts such changes ~~realignment or closure~~
 172 will have on the applicant's community.

173 (d) In making grant awards the department ~~office~~ shall
 174 consider, at a minimum, the following factors:

175 1. The relative value of the particular military
 176 installation in terms of its importance to the local and state
 177 economy relative to other military installations ~~vulnerable to~~
 178 ~~closure~~.

179 2. The potential job displacement within the local
 180 community should the mission of the military installation be
 181 changed ~~closed~~.

182 3. The potential ~~adverse~~ impact on industries and
 183 technologies which service the military installation.

184 ~~(4)-(3)~~ The Florida Defense Reinvestment Grant Program
 185 ~~Economic Reinvestment Initiative~~ is established to respond to
 186 the need for this state to work in conjunction with defense-
 187 dependent communities in developing and implementing strategies
 188 and approaches that will help communities support the missions
 189 of military installations, and in developing and implementing
 190 ~~and defense-dependent communities in this state to develop~~
 191 alternative economic diversification strategies to transition
 192 from a defense economy to a nondefense economy ~~lessen reliance~~
 193 ~~on national defense dollars in the wake of base closures and~~
 194 ~~reduced federal defense expenditures and the need to formulate~~
 195 ~~specific base reuse plans and identify any specific~~
 196 ~~infrastructure needed to facilitate reuse.~~ Eligible applicants

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197 include defense-dependent counties and cities, and local
 198 economic development councils located within such communities.
 199 ~~The program initiative shall consist of the following two~~
 200 ~~distinct grant programs to be administered by the department and~~
 201 ~~grant awards may be provided to support community-based~~
 202 ~~activities that:~~

203 (a) Protect existing military installations; ~~The Florida~~
 204 ~~Defense Planning Grant Program, through which funds shall be~~
 205 ~~used to analyze the extent to which the state is dependent on~~
 206 ~~defense dollars and defense infrastructure and prepare~~
 207 ~~alternative economic development strategies. The state shall~~
 208 ~~work in conjunction with defense-dependent communities in~~
 209 ~~developing strategies and approaches that will help communities~~
 210 ~~make the transition from a defense economy to a nondefense~~
 211 ~~economy. Grant awards may not exceed \$250,000 per applicant and~~
 212 ~~shall be available on a competitive basis.~~

213 (b) Diversify the economy of a defense-dependent
 214 community; ~~or The Florida Defense Implementation Grant Program,~~
 215 ~~through which funds shall be made available to defense dependent~~
 216 ~~communities to implement the diversification strategies~~
 217 ~~developed pursuant to paragraph (a). Eligible applicants include~~
 218 ~~defense-dependent counties and cities, and local economic~~
 219 ~~development councils located within such communities. Grant~~
 220 ~~awards may not exceed \$100,000 per applicant and shall be~~
 221 ~~available on a competitive basis. Awards shall be matched on a~~
 222 ~~one-to-one basis.~~

223 (c) ~~The Florida Military Installation Reuse Planning and~~
 224 ~~Marketing Grant Program, through which funds shall be used to~~

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225 ~~help counties, cities, and local economic development councils~~
 226 Develop ~~and implement~~ plans for the reuse of closed or realigned
 227 military installations, including any plans necessary for
 228 infrastructure improvements needed to facilitate reuse and
 229 related marketing activities.

230
 231 Applications for grants under this subsection must include a
 232 coordinated program of work or plan of action delineating how
 233 the eligible project will be administered and accomplished,
 234 which must include a plan for ensuring close cooperation between
 235 civilian and military authorities in the conduct of the funded
 236 activities and a plan for public involvement.

237 (5)~~(4)~~ The Defense Infrastructure Grant Program is
 238 created. The department shall coordinate and implement this
 239 program, the purpose of which is to support local infrastructure
 240 projects deemed to have a positive impact on the military value
 241 of installations within the state. Funds are to be used for
 242 projects that benefit both the local community and the military
 243 installation. ~~It is not the intent, however, to fund on-base~~
 244 ~~military construction projects.~~ Infrastructure projects to be
 245 funded under this program include, but are not limited to, those
 246 related to encroachment, transportation and access, utilities,
 247 communications, housing, environment, and security. Grant
 248 requests will be accepted only from economic development
 249 applicants serving in the official capacity of a governing board
 250 of a county, municipality, special district, or state agency
 251 that will have the authority to maintain the project upon
 252 completion. An applicant must represent a community or county in

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253 | which a military installation is located. There is no limit as
 254 | to the amount of any grant awarded to an applicant. A match by
 255 | the county or local community may be required. The program may
 256 | not be used to fund on-base military construction projects. The
 257 | department shall establish guidelines to implement the purpose
 258 | of this subsection.

259 | ~~(5) (a) The Defense-Related Business Adjustment Program is~~
 260 | ~~hereby created. The department shall coordinate the development~~
 261 | ~~of the Defense-Related Business Adjustment Program. Funds shall~~
 262 | ~~be available to assist defense-related companies in the creation~~
 263 | ~~of increased commercial technology development through~~
 264 | ~~investments in technology. Such technology must have a direct~~
 265 | ~~impact on critical state needs for the purpose of generating~~
 266 | ~~investment-grade technologies and encouraging the partnership of~~
 267 | ~~the private sector and government defense-related business~~
 268 | ~~adjustment. The following areas shall receive precedence in~~
 269 | ~~consideration for funding commercial technology development: law~~
 270 | ~~enforcement or corrections, environmental protection,~~
 271 | ~~transportation, education, and health care. Travel and costs~~
 272 | ~~incidental thereto, and staff salaries, are not considered an~~
 273 | ~~"activity" for which grant funds may be awarded.~~

274 | ~~(b) The department shall require that an applicant:~~
 275 | ~~1. Be a defense-related business that could be adversely~~
 276 | ~~affected by federal base realignment or closure or reduced~~
 277 | ~~defense expenditures.~~

278 | ~~2. Agree to match at least 50 percent of any funds awarded~~
 279 | ~~by the United States Department of Defense in cash or in-kind~~
 280 | ~~services. Such match shall be directly related to activities for~~

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281 ~~which the funds are being sought.~~

282 ~~3. Prepare a coordinated program or plan delineating how~~
 283 ~~the funds will be administered.~~

284 ~~4. Provide documentation describing how defense-related~~
 285 ~~realignment or closure will adversely impact defense-related~~
 286 ~~companies.~~

287 ~~(6) The Retention of Military Installations Program is~~
 288 ~~created. The department shall coordinate and implement this~~
 289 ~~program.~~

290 (6)~~(7)~~ The department may award nonfederal matching funds
 291 specifically appropriated for construction, maintenance, and
 292 analysis of a Florida defense workforce database. Such funds
 293 will be used to create a registry of worker skills that can be
 294 used to match the worker needs of companies that are relocating
 295 to this state or to assist workers in relocating to other areas
 296 within this state where similar or related employment is
 297 available.

298 (7)~~(8)~~ Payment of administrative expenses shall be limited
 299 to no more than 10 percent of any grants issued pursuant to this
 300 section.

301 (8)~~(9)~~ The department shall establish guidelines to
 302 implement and carry out the purpose and intent of this section.

303 Section 4. Effective upon this act becoming a law, the
 304 powers, duties, functions, records, personnel, property, pending
 305 issues, existing contracts, administrative authority,
 306 administrative rules, and unexpended balances of appropriations,
 307 allocations, and other funds of the Florida Council on Military
 308 Base and Mission Support within the Department of Economic

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309 Opportunity are transferred by a type two transfer, as defined
 310 in s. 20.06(2), Florida Statutes, to the Florida Defense Support
 311 Task Force within the Department of Economic Opportunity.

312 Section 5. Effective upon this act becoming a law, section
 313 288.984, Florida Statutes, is repealed.

314 Section 6. Effective upon this act becoming a law,
 315 subsections (1) and (2) of section 288.985, Florida Statutes,
 316 are amended to read:

317 288.985 Exemptions from public records and public meetings
 318 requirements.—

319 (1) The following records held by the Florida Defense
 320 Support Task Force ~~Council on Military Base and Mission Support~~
 321 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 322 Constitution:

323 (a) That portion of a record which relates to strengths
 324 and weaknesses of military installations or military missions in
 325 this state relative to the selection criteria for the
 326 realignment and closure of military bases and missions under any
 327 United States Department of Defense base realignment and closure
 328 process.

329 (b) That portion of a record which relates to strengths
 330 and weaknesses of military installations or military missions in
 331 other states or territories and the vulnerability of such
 332 installations or missions to base realignment or closure under
 333 the United States Department of Defense base realignment and
 334 closure process, and any agreements or proposals to relocate or
 335 realign military units and missions from other states or
 336 territories.

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337 (c) That portion of a record which relates to the state's
 338 strategy to retain its military bases during any United States
 339 Department of Defense base realignment and closure process and
 340 any agreements or proposals to relocate or realign military
 341 units and missions.

342 (2) Meetings or portions of meetings of the Florida
 343 Defense Support Task Force Council on Military Base and Mission
 344 ~~Support~~, or a workgroup of the task force council, at which
 345 records are presented or discussed which are exempt under
 346 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I
 347 of the State Constitution.

348 Section 7. Effective upon this act becoming a law,
 349 subsections (2), (5), (6), and (7) of section 288.987, Florida
 350 Statutes, are amended to read:

351 288.987 Florida Defense Support Task Force.—

352 (2) The mission of the task force is to make
 353 recommendations preserve and protect military installations ~~to~~
 354 ~~prepare the state to effectively compete in any federal base~~
 355 ~~realignment and closure action~~, to support the state's position
 356 in research and development related to or arising out of
 357 military missions and contracting, and to improve the state's
 358 military-friendly environment for service members, military
 359 dependents, military retirees, and businesses that bring
 360 military and base-related jobs to the state.

361 (5) The executive director of Department of Economic
 362 Opportunity ~~the Office of Tourism, Trade, and Economic~~
 363 ~~Development within the Executive Office of the Governor~~, or his
 364 or her designee, shall serve as the ex officio, nonvoting

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365 executive director of the task force.

366 (6) ~~The chair shall schedule and conduct the first meeting~~
 367 ~~of the task force by October 1, 2011.~~ The task force shall
 368 submit an annual ~~a~~ progress report and work plan ~~for the~~
 369 ~~remainder of the 2011-2012 fiscal year~~ to the Governor, the
 370 President of the Senate, and the Speaker of the House of
 371 Representatives ~~by February 1, 2012, and shall submit an annual~~
 372 ~~report~~ each February 1 thereafter.

373 (7) The department ~~Office of Tourism, Trade, and Economic~~
 374 ~~Development~~ shall contract with the task force for expenditure
 375 of appropriated funds, which may be used by the task force for
 376 economic and product research and development, joint planning
 377 with host communities to accommodate military missions and
 378 prevent base encroachment, advocacy on the state's behalf with
 379 federal civilian and military officials, assistance to school
 380 districts in providing a smooth transition for large numbers of
 381 additional military-related students, job training and placement
 382 for military spouses in communities with high proportions of
 383 active duty military personnel, and promotion of the state to
 384 military and related contractors and employers. The task force
 385 may annually spend up to \$200,000 of funds appropriated to the
 386 department ~~Executive Office of the Governor, Office of Tourism,~~
 387 ~~Trade, and Economic Development,~~ for the task force for staffing
 388 and administrative expenses of the task force, including travel
 389 and per diem costs incurred by task force members who are not
 390 otherwise eligible for state reimbursement.

391 Section 8. Except as otherwise expressly provided in this
 392 act and except for this section, which shall take effect upon

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393 | this act becoming a law, this act shall take effect July 1,
394 | 2012.