

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2152

SPONSOR: Military and Veterans' Affairs, Base Protection, and Spaceports and Senator Clary

SUBJECT: Military Readiness

DATE: March 31, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Krasovsky</u>	<u>Krasovsky</u>	<u>MS</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute provides two methods to address the problem of incompatible urban encroachment diminishing the military value of a military installation. First, the committee substitute establishes a process by which bases and local governments can exchange information and comments on proposed land use changes and rezoning that would impact the installation. The second method is to require a military readiness element in a local government's comprehensive plan if that local government has a military installation within or adjacent to its boundaries.

This committee substitute creates section 163.3175 of the Florida Statutes and substantially amends sections 163.3177; and 163.3187 of the Florida Statutes.

II. Present Situation:

The extent to which urban encroachment has an impact on the operational activity of a military installation is a major consideration in determining an installation's future viability. Mission constraints caused by urban encroachment that effect the military value of an installation can jeopardize the entire base.

The federal government is embarking on another base realignment and closure process, commonly referred to as "BRAC", during which military installations across all services will be reviewed to determine whether functions and bases can be consolidated or closed. Although the final decisions on realignments and closures will not come until late 2005, the process is starting this year with the selection of proposed criteria. It is already known that the military value of a base will be a heavily weighted element of that criteria.

The BRAC process reflects a desire to eliminate excess physical capacity created as a result of reduced troop size, which has been cut by 40% since 1990, and the need to fund higher priority weapons and troop training. There have been four BRAC rounds between 1988 and 1995. The Department of Defense has indicated that approximately 25% of the military bases will be closed or realigned during this round. The 22 bases and three joint commands situated in Florida will, like all other bases across all the military branches, be subjected to the BRAC review process.

The Department of Defense has established programs in response to existing and potential threats of incompatible land development compromising the missions of military installations. The programs, the Navy and Air Force's Air Installation Compatible Use Zone (AICUZ) program and the Army's Installation Environmental Noise Management Program (IENMP) are designed to promote compatible development on and off bases. These programs provide information to local governments about noise and accident potential generated by base operations and encourages communities to adopt land use controls that ensure compatible development in areas adversely affected by military installations. The Department of Defense's Joint Land Study Program is a cooperative effort between local governments and military installations to develop compatible measures designed to prevent urban encroachment. The Office of Economic Adjustment offers technical and financial assistance in the form of community assistance grants as an incentive to participate in that joint planning process which promotes the incorporation of AICUZ/ IENMP data into local plans and zoning codes.

The Local Government Comprehensive Planning and Land Development Regulation Act of 1985, ("Act") ss. 163.3161-163.3244, F.S., establishes a growth management system in Florida which requires each local government (or combination of local governments) to adopt a comprehensive land use plan that includes certain required elements, such as: a future land use plan; capital improvements; and an intergovernmental coordination element. Optional elements are also identified. The local government comprehensive plan is intended to be the policy document guiding local governments in their land use decision-making.

Under the Act, the Department of Community Affairs was required to adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements with the requirements of the Act. Such minimum criteria must require that the elements of the plan are consistent with each other and with the state comprehensive plan and the regional policy plan; that the elements include policies to guide future decisions and programs to ensure the plans would be implemented; that the elements include processes for intergovernmental coordination; and that the elements identify procedures for evaluating the implementation of the plan. The original minimum criteria rule for reviewing local comprehensive plans and plan amendments was adopted by the Department of Community Affairs on March 6, 1986 as Rule 9J-5, Florida Administrative Code, (F.A.C.). After a comprehensive plan has been adopted, subsequent changes are made through amendments to the plans.

III. Effect of Proposed Changes:

The committee substitute requires each local government in any county, including the county government, that has a military installation within or adjacent its boundaries to transmit to the

commanding officer of that installation information regarding proposed changes in land use or proposed rezoning that would, if approved, affect the intensity, density, or use of the property that is the subject of the application and is within the area of interest as identified by the base commander. The commanding officer or his or her designee may submit written comments regarding adverse effects on the installation, operating areas or ranges and, but not limited to, whether the proposed changes will violate safety and noise standards in AICUZ/ IENMP. The commanding officer or designee is encouraged to provide information about any community planning assistance grants that might be available through the federal Office of Economic Adjustment as an incentive for communities to participate in a joint planning process that would facilitate the compatibility of community planning and activities vital to the national defense. The local government shall take the comments of the commanding officer into consideration when rezoning or making changes in land use.

The comprehensive plan of units of local government that have a military installation within its boundaries must contain, as a mandatory element, a military readiness element. In preparing to adopt this element, the local government must seek advice from residents of the county and others who are likely to be affected by the provisions.

The military readiness element must take into consideration:

- How the public, health, safety and welfare is likely to be affected by the proximity of residential areas to military bases and operating areas, and must make reasonable provisions for preserving open space and compatible land uses near a military base.
- The findings of the Department of Defense Joint Land Use Study Program which promotes incorporating the findings of the AICUZ / IENMP, and
- The extent to which the use of land surrounding an airfield is consistent with the safety and noise standards contained in the AICUZ prepared for that military airfield.

A comprehensive plan amendment relating to military readiness may be made at any time and does not count toward the limitation on the frequency of plan amendments.

A definition of “military installation” is also included in the committee substitute.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:**C. Government Sector Impact:**

This committee substitute will have a nominal fiscal impact on both the military base and local government that would be required to exchange information and provide comments pursuant to this legislation.

For those local governmental units that would be required to update or amend their comprehensive plan to include a military readiness element, the fiscal impact would be greater. There are 22 military bases and three joint commands situated in 13 Florida counties. The cost of adopting a plan in those various counties would differ with the particulars of each location. The total cost of adopting the necessary number of military readiness elements can not be determined at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the committee substitute's sponsor or the Florida Senate.
