



CHAMBER ACTION

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The Committee on Commerce recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to military readiness; creating s. 163.3175, F.S.; providing legislative findings relating to the compatibility of development with military installations; providing for an exchange of information between certain local governments and military installations; requiring the local government to consider the comments of the commanding officer of a military installation relating to potential adverse effects on the installation which may result from rezonings or changes in land use; defining the term "military installation"; amending s. 163.3177, F.S.; providing that an element relating to military readiness is a mandatory element of the comprehensive plan for certain local governments; requiring the local governments to seek advice from individuals who may be affected by this element; providing factors that must be considered in connection with this element; requiring the local governments to submit the military readiness element by June 30, 2004; providing an



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29 exemption; amending s. 163.3187, F.S.; exempting from  
30 certain restrictions on the adoption of amendments to  
31 comprehensive plans an amendment relating to military  
32 readiness; providing an effective date.

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Section 163.3175, Florida Statutes, is created  
37 to read:

38 163.3175 Legislative findings on compatibility of  
39 development with military installations; exchange of information  
40 between local governments and military installations.--

41 (1) The Legislature finds that incompatible development of  
42 land close to a military installation can adversely affect the  
43 ability of such an installation to carry out its mission. The  
44 Legislature further finds that such development also threatens  
45 the public safety because of the possibility of accidents  
46 occurring within the areas surrounding a military installation.  
47 In addition, the economic health of a community is affected if  
48 military operations and missions must relocate because of urban  
49 encroachment. Therefore, the Legislature finds it desirable for  
50 the local governments in the state to cooperate with military  
51 installations to encourage compatible land use, help prevent  
52 encroachment, and facilitate the continued presence of major  
53 military installations in this state.

54 (2) In any county that has a military installation  
55 located within or adjacent to its boundaries, each local



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56 government, including the county government, must transmit to  
57 the commanding officer of the military installation information  
58 regarding proposed changes in land use or proposed rezonings  
59 that would, if approved, affect the intensity, density, or use  
60 of the property that is the subject of the application and is  
61 within an area of interest previously identified by the  
62 commanding officer. The commanding officer or his or her  
63 designee may submit to the local government written comments  
64 regarding any adverse effects that the proposed changes or  
65 rezonings may have on military installations, operating areas,  
66 or ranges, including, but not limited to, the commanding  
67 officer's opinion as to whether those proposed changes will  
68 violate the safety and noise standards contained in the Air  
69 Installation Compatible Use Zone (AICUZ) prepared for a military  
70 airfield or whether the changes are incompatible with the  
71 Installation Environmental Noise Management Program (IENMP) of  
72 the United States Army. The commanding officer may provide the  
73 state land planning agency with copies of any comments on  
74 proposed comprehensive plan changes. The commanding officer is  
75 encouraged to include information about any community planning  
76 assistance grants that may be available to the local government  
77 through the federal Office of Economic Adjustment, as an  
78 incentive for communities to participate in a joint planning  
79 process that would facilitate the compatibility of community  
80 planning and activities vital to the national defense. The local  
81 government should take the comments of the commanding officer or  
82 his or her designee into consideration when rezoning or making  
83 changes in land use.



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84 | (3) As used in this section, the term "military  
85 | installation" means a base, camp, post, station, yard, center,  
86 | homeport facility for any ship, or other location under the  
87 | jurisdiction of the Department of Defense, including any leased  
88 | facility. Such term does not include any facility used primarily  
89 | for civil works, river and harbor projects, or flood control  
90 | projects.

91 | Section 2. Paragraph (1) is added to subsection (6) of  
92 | section 163.3177, Florida Statutes, to read:

93 | 163.3177 Required and optional elements of comprehensive  
94 | plan; studies and surveys.--

95 | (6) In addition to the requirements of subsections (1)-  
96 | (5), the comprehensive plan shall include the following  
97 | elements:

98 | (1) For each unit of local government impacted by a  
99 | military installation within or adjacent to its boundaries, a  
100 | military readiness element. In preparing to adopt this element,  
101 | the local government must seek advice from residents of the  
102 | county and others who are likely to be affected by the  
103 | provisions therein, including, but not limited to, builders and  
104 | developers, conservation groups, representatives of the armed  
105 | services, and neighborhood groups.

106 | 1. The military readiness element must take into  
107 | consideration how the public health, safety, and welfare is  
108 | likely to be affected by the proximity of development to  
109 | military installations, operating areas, and ranges and must  
110 | make reasonable provision for preserving open space and  
111 | compatible land uses near a military installation.



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112        2. The military readiness element must also take into  
113 consideration the findings of the Department of Defense Joint  
114 Land Use Study Program, which promotes incorporating the  
115 findings of the Air Installation Compatible Use Zone (AICUZ) and  
116 the Installation Environmental Noise Management Program (IENMP).

117        3. In counties that contain or border on a military  
118 airfield, the military readiness element must take into  
119 consideration the extent to which the use of land surrounding  
120 the airfield is consistent with the safety and noise standards  
121 contained in the AICUZ prepared for that military airfield.

122        4. A local government is required to submit to the state  
123 land planning agency the military readiness element by June 30,  
124 2004 and may update the element as provided for in s.  
125 163.3187(1)(m).

126        5. A local government which, prior to January 1, 2003, has  
127 entered into any memoranda of understanding with any military  
128 installation which address, at a minimum, employment, emergency  
129 preparedness, recreation, law enforcement, mutual aid, and  
130 housing and which, prior to September 1, 2003, amends its zoning  
131 code to include a representative of the military installation as  
132 a member of the local development review committee, shall be  
133 exempt from the requirement to prepare a military readiness  
134 element as a mandatory element of its comprehensive plan but may  
135 prepare such an element as an optional element. This exemption  
136 shall remain effective so long as a representative of the  
137 military installation remains a member of the local development  
138 review committee and such memoranda of understanding or  
139 extensions thereof or successor memoranda remain effective.



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140 Section 3. Paragraph (m) is added to subsection (1) of  
141 section 163.3187, Florida Statutes, to read:

142 163.3187 Amendment of adopted comprehensive plan.--

143 (1) Amendments to comprehensive plans adopted pursuant to  
144 this part may be made not more than two times during any  
145 calendar year, except:

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

149 Section 4. This act shall take effect upon becoming a law.