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1 A bill to be entitled
 2 An act relating to military support; amending s.
 3 163.3175; specifying military bases and local governments
 4 subject to requirements; requiring submittal of certain
 5 development orders to base commanders; deleting
 6 definitions; providing for mediation and sanctions for
 7 failure to comply; amending s. 163.3177; providing
 8 factors regarding consistency with military
 9 installations; amending s. 196.061; specifying criteria
 10 to be met to be exempt from abandonment of homestead
 11 exemption; amending s. 455.02; authorizing the temporary
 12 professional licensure of the spouses of active duty
 13 members of the United States Armed Forces under certain
 14 circumstances; providing application requirements;
 15 requiring criminal history checks and fees; amending s.
 16 250.10, F.S.; providing for the appointment of a second
 17 Assistant Adjutant General for the Florida National Guard
 18 Army; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 163.3175, Florida Statutes, is amended
 23 to read:

24 163.3175 Legislative findings on compatibility of
 25 development with military installations; exchange of information
 26 between local governments and military installations.—

27 (1) The Legislature finds that incompatible development of
 28 land close to military installations can adversely affect the

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29 ability of such an installation to carry out its mission. The
 30 Legislature further finds that such development also threatens
 31 the public safety because of the possibility of accidents
 32 occurring within the areas surrounding a military installation.
 33 In addition, the economic vitality of a community is affected
 34 when military operations and missions must relocate because of
 35 incompatible urban encroachment. Therefore, the Legislature
 36 finds it desirable for the local governments in the state to
 37 cooperate with military installations to encourage compatible
 38 land use, help prevent incompatible encroachment, and facilitate
 39 the continued presence of major military installations in this
 40 state.

41 (2) Certain major military installations, due to their
 42 mission and activities have a greater potential of experiencing
 43 compatibility and coordination issues than others. As such,
 44 this section and the provisions in s. 163.3177(6) (a) relating to
 45 compatibility with military installations apply to specific
 46 affected local governments in association to certain military
 47 installations as follows:

48 (a) Avon Park Air Force Range associated with Highlands,
 49 Okeechobee, Osceola, and Polk counties and Avon Park,
 50 Sebring, and Frostproof.

51 (b) Camp Blanding associated with Clay, Bradford, and
 52 Putnam counties.

53 (c) Elgin Air Force Base and Hurlburt Field associated
 54 with Gulf, Okaloosa, Santa Rosa, and Walton counties and
 55 Cinco Bayou, Crestview, Destin, Fort Walton Beach, Laurel
 56 Hill, Mary Ester, Niceville, Shalimar, Valpariso, Defuniak

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57 Springs, and Freeport.
 58 (d) Homestead Air Reserve Base Miami-Dade County and
 59 Homestead.
 60 (e) Jacksonville Bombing Range Complex associated with
 61 Lake, Marion, Putnam, and Volusia counties.
 62 (f) MacDill Air Force Base associated with Tampa.
 63 (g) Naval Air Station Jacksonville and Marine Corps Blount
 64 Island associated with Jacksonville.
 65 (h) Naval Air Station Key West associated with Monroe
 66 County and Key West.
 67 (i) Naval Support Activity Panama City associated with Bay
 68 County, Panama City and Panama City Beach.
 69 (j) Naval Air Station Pensacola associated with Escambia
 70 County.
 71 (k) Naval Air Station Whiting Field associated with Santa
 72 Rosa County.
 73 (l) Naval Station Mayport associated with Atlantic Beach
 74 and Jacksonville.
 75 (m) Patrick Air Force Base and Cape Canaveral Air Force
 76 Station, associated with Brevard County and Satellite
 77 Beach.
 78 (n) Tyndall Air Force Base associated with Mexico Beach
 79 and Parker.
 80 (3) The Florida Council on Military Base and Mission
 81 Support may recommend to the Legislature changes to the military
 82 installations and local governments specified in subsection (2)
 83 based on a military base's potential for impacts from
 84 encroachment, and incompatible land uses and development.

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85 | (4) Each county affected local government in which a
 86 | military installation is either wholly or partially located and
 87 | each affected local government must transmit to the commanding
 88 | officer of that the installation information relating to
 89 | proposed changes to comprehensive plans, plan amendments, and
 90 | proposed changes to land development regulations which, if
 91 | approved, would affect the intensity, density, or use of the
 92 | land adjacent to or in close proximity to the military
 93 | installation. At the request of the commanding officer, local
 94 | governments must also transmit to the commanding officer copies
 95 | of applications for development orders requesting a variance or
 96 | waiver from height or lighting restrictions, or sound proofing
 97 | requirements within areas defined in the local government's
 98 | comprehensive plan as being in a zone of influence of the
 99 | military installation. Each ~~county and~~ affected local
 100 | government shall provide the military installation an
 101 | opportunity to review and comment on the proposed changes.

102 | ~~(3)~~ (5) The commanding officer or his or her designee may
 103 | provide comments to the ~~county or~~ affected local government on
 104 | the impact such proposed changes may have on the mission of the
 105 | military installation. Such comments may include:

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

110 | (b) Whether such changes are incompatible with the
 111 | Installation Environmental Noise Management Program (IENMP) of
 112 | the United States Army;

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

116 (d) Whether the military installation's mission will be
 117 adversely affected by the proposed actions of the county or
 118 affected local government.

119 (6) ~~(4)~~ The ~~county or~~ affected local government shall take
 120 into consideration any comments provided by the commanding
 121 officer or his or her designee pursuant to subsection (4) ~~when~~
 122 ~~making such decision regarding a comprehensive planning or and~~
 123 ~~development regulation.~~ The ~~county or~~ affected local government
 124 shall forward a copy of any ~~such~~ comments regarding
 125 comprehensive plan amendments to the state land planning agency.

126 (7) ~~(5)~~ To facilitate the exchange of information provided
 127 for in this section, a representative of a military installation
 128 acting on behalf of all military installations within that
 129 jurisdiction shall be included as an ex officio, nonvoting
 130 member of the county's or affected local government's land
 131 planning or zoning board.

132 (8) ~~(6)~~ The commanding officer is encouraged to provide
 133 information about any community planning assistance grants that
 134 may be available to a county or affected local government
 135 through the federal Office of Economic Adjustment as an
 136 incentive for communities to participate in a joint planning
 137 process that would facilitate the compatibility of community
 138 planning and the activities and mission of the military
 139 installation.

140 (9) ~~(7)~~ If a local government, as required under s.

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141 163.3177(6) (a), does not adopt criteria and address
 142 compatibility of lands adjacent to or closely proximate to
 143 existing military installations in its future land use element
 144 by June 30, 2012, the local government, military installation,
 145 the state land planning agency, and other parties as identified
 146 by the regional planning council, including, but not limited to
 147 private landowner representatives, shall enter into mediation
 148 conducted pursuant to s. 186.509. If the local government
 149 comprehensive plan does not contain criteria addressing
 150 compatibility by December 31, 2013, the agency may notify the
 151 Administration Commission. The Administration Commission may
 152 impose sanctions pursuant to s. 163.3184(11).

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

154 ~~— (a) "Affected local government" means a municipality~~
 155 ~~adjacent to or in close proximity to the military installation~~
 156 ~~as determined by the state land planning agency.~~

157 ~~— (b) "Military installation" means a base, camp, post,~~
 158 ~~station, airfield, yard, center, home port facility for any~~
 159 ~~ship, or other land area under the jurisdiction of the~~
 160 ~~Department of Defense, including any leased facility. Such term~~
 161 ~~does not include any facility used primarily for civil works,~~
 162 ~~rivers and harbors projects, or flood control projects.:~~

163 Section 2. Paragraph (a) of subsection (6) of section
 164 163.3177, Florida Statutes, is amended to read:

165 163.3177 Required and optional elements of comprehensive
 166 plan; studies and surveys.—

167 (6) In addition to the requirements of subsections (1)-(5)
 168 and (12), the comprehensive plan shall include the following

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169 elements:

170 (a) A future land use plan element designating proposed

171 future general distribution, location, and extent of the uses of

172 land for residential uses, commercial uses, industry,

173 agriculture, recreation, conservation, education, public

174 buildings and grounds, other public facilities, and other

175 categories of the public and private uses of land. Counties are

176 encouraged to designate rural land stewardship areas, pursuant

177 to paragraph (11) (d), as overlays on the future land use map.

178 Each future land use category must be defined in terms of uses

179 included, and must include standards to be followed in the

180 control and distribution of population densities and building

181 and structure intensities. The proposed distribution, location,

182 and extent of the various categories of land use shall be shown

183 on a land use map or map series which shall be supplemented by

184 goals, policies, and measurable objectives. The future land use

185 plan shall be based upon surveys, studies, and data regarding

186 the area, including the amount of land required to accommodate

187 anticipated growth; the projected population of the area; the

188 character of undeveloped land; the availability of water

189 supplies, public facilities, and services; the need for

190 redevelopment, including the renewal of blighted areas and the

191 elimination of nonconforming uses which are inconsistent with

192 the character of the community; the compatibility of uses on

193 lands adjacent to or closely proximate to military

194 installations; lands adjacent to an airport as defined in s.

195 330.35 and consistent with s. 333.02; the discouragement of

196 urban sprawl; energy-efficient land use patterns accounting for

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197 existing and future electric power generation and transmission
 198 systems; greenhouse gas reduction strategies; and, in rural
 199 communities, the need for job creation, capital investment, and
 200 economic development that will strengthen and diversify the
 201 community's economy. The future land use plan may designate
 202 areas for future planned development use involving combinations
 203 of types of uses for which special regulations may be necessary
 204 to ensure development in accord with the principles and
 205 standards of the comprehensive plan and this act. The future
 206 land use plan element shall include criteria to be used to
 207 achieve the compatibility of lands adjacent or closely proximate
 208 to military installations, based on factors identified in s.
 209 163.3175(5), and lands adjacent to an airport as defined in s.
 210 330.35 and consistent with s. 333.02. In addition, for rural
 211 communities, the amount of land designated for future planned
 212 industrial use shall be based upon surveys and studies that
 213 reflect the need for job creation, capital investment, and the
 214 necessity to strengthen and diversify the local economies, and
 215 may not be limited solely by the projected population of the
 216 rural community. The future land use plan of a county may also
 217 designate areas for possible future municipal incorporation. The
 218 land use maps or map series shall generally identify and depict
 219 historic district boundaries and shall designate historically
 220 significant properties meriting protection. For coastal
 221 counties, the future land use element must include, without
 222 limitation, regulatory incentives and criteria that encourage
 223 the preservation of recreational and commercial working
 224 waterfronts as defined in s. 342.07. The future land use element

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225 must clearly identify the land use categories in which public
 226 schools are an allowable use. When delineating the land use
 227 categories in which public schools are an allowable use, a local
 228 government shall include in the categories sufficient land
 229 proximate to residential development to meet the projected needs
 230 for schools in coordination with public school boards and may
 231 establish differing criteria for schools of different type or
 232 size. Each local government shall include lands contiguous to
 233 existing school sites, to the maximum extent possible, within
 234 the land use categories in which public schools are an allowable
 235 use. The failure by a local government to comply with these
 236 school siting requirements will result in the prohibition of the
 237 local government's ability to amend the local comprehensive
 238 plan, except for plan amendments described in s. 163.3187(1)(b),
 239 until the school siting requirements are met. Amendments
 240 proposed by a local government for purposes of identifying the
 241 land use categories in which public schools are an allowable use
 242 are exempt from the limitation on the frequency of plan
 243 amendments contained in s. 163.3187. The future land use element
 244 shall include criteria that encourage the location of schools
 245 proximate to urban residential areas to the extent possible and
 246 shall require that the local government seek to collocate public
 247 facilities, such as parks, libraries, and community centers,
 248 with schools to the extent possible and to encourage the use of
 249 elementary schools as focal points for neighborhoods. For
 250 schools serving predominantly rural counties, defined as a
 251 county with a population of 100,000 or fewer, an agricultural
 252 land use category is eligible for the location of public school

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253 facilities if the local comprehensive plan contains school
 254 siting criteria and the location is consistent with such
 255 criteria. Local governments required to update or amend their
 256 comprehensive plan to include criteria and address compatibility
 257 of lands adjacent or closely proximate to existing military
 258 installations, or lands adjacent to an airport as defined in s.
 259 330.35 and consistent with s. 333.02, in their future land use
 260 plan element shall transmit the update or amendment to the state
 261 land planning agency by June 30, 2012.

262 Section 3. Section 196.061, Florida Statutes, is amended
 263 to read:

264 196.061 Rental of homestead to constitute abandonment.—The
 265 rental of an entire dwelling previously claimed to be a
 266 homestead for tax purposes shall constitute the abandonment of
 267 said dwelling as a homestead, and said abandonment shall
 268 continue until such dwelling is physically occupied by the owner
 269 thereof. However, such abandonment of such homestead after
 270 January 1 of any year shall not affect the homestead exemption
 271 for tax purposes for that particular year so long as this
 272 provision is not used for 2 consecutive years. The provisions of
 273 this section shall not apply to a member of the Armed Forces of
 274 the United States whose service in such forces is the result of
 275 a mandatory obligation imposed by the federal Selective Service
 276 Act or who volunteers for service as a member of the Armed
 277 Forces of the United States. Moreover, valid military orders
 278 transferring such member or their spouse shall be sufficient to
 279 maintain permanent residence for purposes of s. 196.015, F.S.

280 Note.—Former s. 192.141.

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281 Section 4. Section 455.02, Florida Statutes, is amended to
 282 read:

283 455.02 Licensure of members of the Armed Forces in good
 284 standing with administrative boards and their spouses.—

285 (1) Any member of the Armed Forces of the United States
 286 now or hereafter on active duty who, at the time of becoming
 287 such a member, was in good standing with any administrative
 288 board of the state and was entitled to practice or engage in his
 289 or her profession or vocation in the state shall be kept in good
 290 standing by such administrative board, without registering,
 291 paying dues or fees, or performing any other act on his or her
 292 part to be performed, as long as he or she is a member of the
 293 Armed Forces of the United States on active duty and for a
 294 period of 6 months after discharge from active duty as a member
 295 of the Armed Forces of the United States, if ~~provided~~ he or she
 296 is not engaged in his or her licensed profession or vocation in
 297 the private sector for profit.

298 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
 299 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
 300 ~~members~~ of the Armed Forces of the United States from licensure
 301 renewal provisions, but only in cases of his or her absence from
 302 the state because of his or her spouse's ~~their spouses'~~ duties
 303 with the Armed Forces.

304 (3) (a) The department may issue a temporary professional
 305 license to the spouse of an active duty member of the Armed
 306 Forces of the United States if the spouse applies to the
 307 department in the format prescribed by the department. An
 308 application must include:

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309 1. Proof that the applicant is married to a member of the
 310 Armed Forces of the United States who is on active duty.

311 2. Proof that the applicant holds a valid license for the
 312 profession issued by another state, the District of Columbia,
 313 any possession or territory of the United States, or any foreign
 314 jurisdiction.

315 3. Proof that the applicant's spouse is assigned to a duty
 316 station in this state and that the applicant is also assigned to
 317 a duty station in this state pursuant to the member's official
 318 active duty military orders.

319 4. Proof that a complete set of the applicant's
 320 fingerprints are submitted to the Department of Law Enforcement
 321 for a statewide criminal history check. The Department of Law
 322 Enforcement shall forward the fingerprints to the Federal Bureau
 323 of Investigation for a national criminal history check. The
 324 department shall, and the board may, review the results of the
 325 criminal history checks according to the level 2 screening
 326 standards in s. 435.04 and determine whether the applicant meets
 327 the licensure requirements. The costs of fingerprint processing
 328 shall be borne by the applicant. If the applicant's fingerprints
 329 are submitted through an authorized agency or vendor, the agency
 330 or vendor shall collect the required processing fees and remit
 331 the fees to the Department of Law Enforcement.

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

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

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337 Section 5. Subsection (4) of section 250.10, Florida
 338 Statutes, is amended to read:

339 250.10 Appointment and duties of the Adjutant General.—

340 (4) (a) The Adjutant General shall, subject to confirmation
 341 by the Senate, employ a federally recognized officer of the
 342 Florida National Guard, who has served in the Florida Army Guard
 343 for the preceding 5 years and attained the rank of colonel or
 344 higher at the time of appointment, to be the Assistant Adjutant
 345 General for Army.

346 (b) The Adjutant General may, subject to confirmation by
 347 the Senate, employ an additional, federally recognized officer
 348 of the Florida National Guard, who has served in the Florida
 349 Army Guard for the preceding 5 years and attained the rank of
 350 colonel or higher at the time of appointment, to be a second
 351 Assistant Adjutant General for Army.

352
 353 Each ~~The~~ officer shall perform the duties required by the
 354 Adjutant General.

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