



The Florida Senate

Interim Project Report 2004-154

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Committee on Military and Veterans' Affairs, Base Protection, and
Spaceports

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PROTECTING FLORIDA'S CONTRIBUTIONS TO THE NATION'S MILITARY READINESS

SUMMARY

Florida's military installations and associated defense industries contribute \$44 billion to the state's economy. Only two other industries contribute more. The 21 bases and three unified commands situated in Florida will, like all other bases across the nation, be subjected to the current base realignment and closure (BRAC) process. Every attempt must be made to ensure that no Florida base is closed as the Department of Defense aims to reduce military capacity by 20-25%. During the previous 1993 BRAC round, Florida did lose four bases.

Responding to the BRAC process requires a multifaceted approach. First, it is an effort at the local level by host military communities to support and retain their area bases. It is also an effort to inform Washington of the military value of the bases in Florida. Military value will be the primary criteria that will be used in determining whether a base will be closed. Lastly, it is an effort at the state level to address those issues that can place the state in a better position to protect our bases. To that end, legislative issues to be considered are base encroachment, increased funding for the current military grants programs, creation of a state office of military affairs, and the quality of military life in Florida.

While the state must focus on positive results in BRAC 2005, the Legislature should not overlook this opportunity to take those actions that will help preserve the continued compatibility of Florida's military installations with their host communities in 2010 and beyond.

BACKGROUND

Only tourism and agriculture contribute more to Florida's economy than the 21 military installations and three unified commands that are situated in 13 counties throughout this state. That contribution, including associated defense industries, recently estimated at \$44 billion statewide, has a significant impact on the economic well being of each local military community and the state as a whole.¹

The Department of Defense has once again embarked on another round of base realignments and closures, commonly referred to as "BRAC," during which military installations across the nation will be reviewed to determine whether functions and bases can be consolidated or closed. The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training. Capacity reductions may reach as high as 20-25%. There have been four BRAC rounds between 1988 and 1995. During the 1993 round, four Florida bases were closed.²

In April of 2003, the Governor appointed an 18 member "Advisory Council on BRAC" which was charged with the responsibility to develop a strategic plan to protect Florida's bases from closure or downsizing. It is comprised of Florida business men and women, retired military officers, state officials, and state employees. Senator Fasano and Representative Jordan are ex-officio members representing the Senate and House of Representatives, respectively. In tandem with the Florida Defense Alliance (FDA), the Advisory

¹Recent study conducted by the University of West Florida on the economic impact of military spending in Florida.

²Florida lost the Naval Aviation Depot Pensacola, the Naval Aviation Station Cecil Field Jacksonville, the Naval Training Center Orlando, and Homestead Air Force Base.

Council is in the process of analyzing Florida's military installations. It is also focusing on issues pertaining to base encroachment, quality of life, and cross-service joint-use opportunities.

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. Preliminary criteria will be released in December of 2003 for comment. The final criteria will be released in February, 2004. It is already known that the military value of a base will be the primary criteria used to determine whether the base will be closed.

Most of 2004 will be spent by the various service branches assessing their bases in order to make a recommendation to the Secretary of Defense by September of 2004. Not later than March 15, 2005, the President of the United States must nominate the nine members of the federal BRAC Commission, who are subject to confirmation by the Senate. By May 16, 2005, the Secretary of Defense is to make his recommendations regarding all the service branches to the BRAC Commission. Not later than September 8, 2005, the BRAC Commission must make its report to the President. The President must approve or reject the list in its entirety. November 7, 2005, is the last date for the President to submit to Congress his approval and certification of the Commission's recommendations. If Congress disapproves the President's report, it must do so by joint resolution within 45 days of the date of the President's submittal.

METHODOLOGY

This report examines how Florida can protect its military installations during the 2005 BRAC round. In preparing this report, participation in the base tours conducted by the Governor's BRAC Advisory Council provided tremendous insight to the issues and needs of our military installations. Extensive discussions with members of the FDA on the needs of the military communities across this state assisted greatly in the writing of this report, especially regarding the base encroachment issue. Discussions with the Governor's defense coordinator were especially enlightening on issues relating to the general practices of the military and background on the missions and history of Florida's bases. Review of legislation passed, or consideration, by other states provided a point of comparison as states with a large military presence strategize how best to beat the next round of base closures.

FINDINGS

While the Legislature must focus on the 2005 timeline to take action that will affect BRAC decisions soon to be made in Washington, the opportunity should not be lost to also focus on what can be done to ensure the continued compatibility of Florida's military installations with their host communities in 2010 and 2020. In determining what actions should be taken, immediate as well as long term impacts should be considered.

Responding to the BRAC process requires a multi-faceted approach. First and foremost, it is an effort at the local level by host military communities to support and retain their areas bases. Some communities have already hired Washington lobbyists and have been very active in the Florida Defense Alliance. The FDA, comprised of local defense communities operating within the umbrella of Enterprise Florida, Inc., promotes the military missions of our state and supports quality of life issues for military families.

Second, the importance of the military value of each of our bases must be made known to the service branches, the Department of Defense and the federal BRAC Commission. In doing so, the message needs to be coordinated with other emissaries of the state and local military communities so that it remains consistent and in accord with an overall state strategy.

Finally, there are substantive and fiscal issues at the state level that this body can legislatively address that would support the efforts of our local military communities and military installations.

In addressing this multi-faceted process, this report will discuss, and make recommendations on, the following issues;

- ▶ base encroachment,
- ▶ funding for the current military grants programs,
- ▶ creating a state office of military affairs,
- ▶ the Washington lobbying effort, and
- ▶ the quality of military life in Florida.

Base encroachment

Florida was once advertised as a state of sandy beaches and warm ocean breezes. As more and more people across the nation sought their piece of Florida paradise, the state's population grew to its current 16 million inhabitants. The development of Florida has affected all its citizens, including its military citizens. Military installations that were once in the middle of nowhere

now find houses and roads immediately outside the perimeter fence. While such development does bring prosperity, development that encroaches upon a military installation jeopardizes the mission of that base. A base whose military value is diminished becomes prey to closure under the BRAC process.

Each military installation visited as part of the BRAC Advisory Council tour has represented that it receives very strong support from its host community. This does not mean conflicts do not occur. Incompatible land development around bases that can compromise the military value of a base is, in fact, a concern. The Department of Defense currently has programs in place to respond to existing and potential threats of incompatible land development. These programs, the Navy's 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 base. Each base in Florida which has an aviation mission has a completed AICUZ program for its airfield.

These programs provide information to local governments about noise and accident potential generated by base operations and encourage communities to adopt land use and zoning controls which restrict the type and density of developments around military airfields to ensure compatible development. Some states, in anticipation of BRAC, have statutorily adopted the development recommendations in the AICUZ programs.

Another Department of Defense program creates an opportunity for local governments and military installations to cooperatively develop measures designed to prevent encroachment. This program, called Joint Land Use Study (JLUS), provides for a land use study to be conducted in an area where a military installation is experiencing encroachment or incompatible development problems. The program can proceed only after there is agreement and support for the study from the base command and local government officials. A typical JLUS can cost between \$60,000 and \$120,000 depending on the complexity of the issues. This cost is shared by the Defense Department and the local government on a 75/25 percentage, respectively. A JLUS has been completed for Santa Rosa and Escambia counties with other studies underway to various degrees at MacDill and Homestead.

A JLUS is intended to be the community's planned response to the presence of the military installation. The recommendations provided in the study create a policy framework to support adoption and implementation of compatible development measures designed to prevent encroachment, safeguard the military mission, and protect the public health, safety, and welfare. Actual implementation of these measures would involve revisions to the community's comprehensive plan and traditional land and use controls, such as zoning, subdivision regulation, and structural height restriction. There is, however, no requirement that the local government implement any of the recommendations.

Florida has long dealt with managing land development. That is evidenced, in part, by the passage of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.³ That act establishes a growth management system in Florida which requires each local government to adopt a comprehensive land use plan that includes certain mandatory and optional elements. This plan is intended to be the policy document guiding local governments in their land use decision making. The Department of Community Affairs was required to adopt minimum criteria for the review and determination of compliance of the local government comprehensive plan elements with the statewide requirements of the Act. The Act, however, does not limit the broad statutory and constitutional powers of a local government to plan for and regulate local land use.

The Department of Community Affairs is also focusing in on the 2005 BRAC. It has started a military base encroachment initiative, the object of which is to assist local governments and military base commanders in assessing land use encroachment issues and developing practical solutions to mitigate incompatible uses. A report identifying common encroachment concerns, solutions, and follow up actions is to be completed by February 15, 2004.

The issue of base encroachment is not new to this Legislature. Last regular session this committee passed legislation that established a process by which bases and local governments could exchange information and comment on proposed land use changes that would impact the installation.⁴ That legislation also required a military readiness plan in a local government's

³ See s. 163.3161, Florida Statutes.

⁴ Senate Bill 2152.

comprehensive plan if that local government had a military installation within or adjacent to its boundaries. The bill was significantly amended on the floor to only establish a procedural mechanism that could be used when addressing base encroachment issues. The bill passed the Senate but was not taken up by the House of Representatives.

In addressing encroachment issues, it is perhaps an obvious statement that the military bases in Florida are, and have long been, a part of their local civilian communities. New development and existing military bases can both contribute to the community's economic well being. However, for safety and welfare reasons some construction adjacent to bases may be inappropriate. The issue, therefore, is not about prohibiting growth, it is about knowing what type of compatible growth will allow both the community and base to prosper.

A free exchange of information between these entities is therefore critical, and logical, for compatible development. To that end, local governments should provide to the military installation information regarding proposed changes in land use or proposed rezoning that would, if approved, affect the intensity, density or use of property surrounding that installation. A representative of the base should be allowed to respond with written comments regarding any adverse effects on the installation, operating areas or ranges, including but not limited to, whether the proposed changes will violate military safety and noise standards recommended in the AICUZ/IENMP programs or be counter to the recommendations of a JLUS. The local government would then take the comments into consideration when making its decision.

To facilitate this exchange of information, a representative of the base should be included as an ex-officio non-voting member of the local government's land planning or zoning board. This will also provide the opportunity for the rationale behind any responsive comments from the base to be further explained and debated to the satisfaction of the board and the public.

It is logical to also use the existing growth management system to address growth that is incompatible with the missions of Florida's military installations. Local governments that have a military base within their boundaries should be required to amend the future use element of their comprehensive plan to include the compatibility of future development with the military base. In doing so, criteria should be included that would encourage such compatibility.

In developing this criteria, the local government would be required to coordinate with the military installation and take into consideration, but not be bound by, AICUZ /IENMP standards and recommendations of a JLUS if one has been completed. The local government should also seek input from those most likely to be impacted, including, but not limited to: builders, developers, conservation groups, representatives of the military, and neighborhood groups.

One solution, albeit a more costly one, is the purchase of the land that is creating the incompatibility problem. Grants from the current state military defense and infrastructure programs have been used for such a purpose. Additionally, and significantly, the Florida Forever program has spent over \$640 million to purchase 446,261 acres for conservation that benefit the military mission in Florida by either removing encroachment problems or providing buffering around bases. For this reason, the legislature should consider continued support for this program.

Military Grants

In response to base closures under previous BRAC rounds, the state adopted legislation in the mid 1990's dealing with base closure, disposition of military property, and reuse plans for the closed bases.⁵ Probably most importantly, legislation was adopted aimed at future military base retention. As the legislative intent from that statute, in part, states, "The Legislature hereby recognizes that the state needs to coordinate all efforts that can facilitate the retention of all remaining military installations in the state. The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used."⁶

In 1997, the Community Defense Grant program was added to this section and represents a variety of grants designed to help defense communities develop economic diversification strategies, improve base efficiencies, and implement base reuse programs. Examples of grants awarded include funds for strategic planning for BRAC, economic impact studies, environmental assessments, encroachment protection, and development of marketing materials.

⁵ See sections 288.975, 288.976, 288.977 and 288.980, Florida Statutes.

⁶ S. 288.980(1)(a), Florida Statutes.

For the last three years, one million dollars was annually requested, and approved, for this program. The Office of Tourism, Trade, and Economic Development (OTTED) within the Governor's Office awards the grants which are administered by Enterprise Florida, Inc.

The Military Base Protection Grant followed in 1999.⁷ This program has been created annually through the appropriations process with very general guidelines. Grants are awarded to economic development organizations representing military communities for local infrastructure projects deemed to have a positive impact on the military value of the installation and would strengthen Florida's competitive position for retention and expansion of current military activity. Examples of grants awarded include funds for utility upgrades, planning for access gates to major highway, planning and development for range expansions, and land purchases to address incompatible growth. \$3.4 million was appropriated for the program this current fiscal year with \$4 million appropriated in 2003, \$5 million in 2002, and \$4 million in 2001. Grants are awarded and administered in the same manner as the Community Defense Grants.

To date, approximately \$25.5 million has been awarded pursuant to the above mentioned programs. However, the need appears to be much more. Prioritized infrastructure needs provided by our military installations to Enterprise Florida for 2003 totaled slightly more than \$110 million. This amount broken down by regions is: northwest region/panhandle at \$50,367,608; northeast region/Jacksonville at \$20,467,848; central region/Orlando at \$9,343,000; and the south region at \$30,178,953. One can not assume that the \$110 million figure represents only high value priority projects necessary to the operation of each base.

A better determinate of what reflects the highest priority needs of Florida's installations are the projects requested pursuant to the Military Base Protection Grant. Each base is allowed to apply for their top three priorities. For the current year, however, many installations only applied for their first or first and second priority because of the limited funding available. There were 32 applications received for a total requested amount of \$12,630,608. Applications for the previous year requested three times that amount.

Twelve million dollars, therefore, appears reflective of the highest priority needs of our military installations.

The current economic environment and constraints caused by the fixed, recurring costs in the budget allow nominal money for discretionary spending. However, with the BRAC process having now begun, there is no time more imperative than now to address the needs of our military bases. However, funding all the projects on the prioritized list in the amount of \$110 million may very well reach beyond the needs for BRAC 2005. Funding only \$4.3 million, which was the combined total for the grant programs this current fiscal year, appears to fall short of addressing the true priority needs. Funding the \$12 million amount would cover the bases' highest priority needs and place Florida in a much better posture for the current BRAC round. The legislature should consider, therefore, that appropriations in this amount be funded for Florida's Military Base Protection Grant program for the 2004-2005 fiscal year.

Additionally, the legislature should consider that the Military Base Protection Grant program be specifically established by statute. In doing so, projects that could be funded by the grant should specifically include the purchase of lands to prevent or cure encroachment problems.

Office of Military Affairs

Participation in the base tours conducted by the Governor's BRAC Advisory Council provided an amazing look into the vast investment the Department of Defense has made in Florida. That investment, and associated defense industries, generates a \$44 billion dollar contribution to the state's economy. In turn, the state has allocated resources to help ensure that this investment remains sound and continues to grow.

In 1998 the Florida Defense Alliance (FDA) was created within Enterprise Florida Inc. This action was in response to Florida bases being closed during previous BRAC rounds. The statutory charge to the FDA was "...to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing."⁸ The FDA also serves as an overall advisory body for Enterprise Florida on defense related matters. Enterprise Florida does provide staffing for

⁷ This grant has also been referred to as the Defense Infrastructure Grant.

⁸ Section 288.980(1)(b).

the FDA effort without, however, any additional direct funding for this activity.

The FDA is comprised primarily of community representatives from each Florida county which hosts a military installation or is dealing with a base reuse program. Representatives from statewide business and defense related organizations are also included. State and federal legislators are involved as are representatives of Florida state agencies. Thirty one military leaders from various bases and commands act as liaisons to the FDA.

In pursuing its mission, the FDA concentrates on activities to reduce the exposure of military bases to organizational threats, such as BRAC, and supports local efforts to address quality of life issues for Florida's service members. The FDA has been instrumental in preparing their local communities for the 2005 round of BRAC.

Since March of 2003, the Governor has employed a defense coordinator within OTTED. This is the first full time state employee dedicated to working solely on military issues, aside from members of the Florida National Guard. However, the defense coordinator is not a statutorily created position or office with correspondingly identified duties. Nor is there direct funding in support of the position.

Although other military issues are handled, the position primarily provides staffing to the Governor's BRAC Advisory Council. As such, the defense coordinator serves the dual role of executive director to the Advisory Council. In that capacity the defense coordinator has been the linch pin at the staff level ensuring that the activities of the Advisory Council and its subcommittees proceed efficiently and effectively. Additional program and policy support is provided by the Enterprise Florida/FDA staff.

The military's contribution to the state's economy is surpassed by only two other industries. The first being tourism with an estimated economic impact of close to \$51 billion. The second being the agricultural industry with an estimated economic impact of approximately \$50 million. Both of these industries have a supporting state infrastructure that far exceeds the state's current infrastructure for its military effort.

The Florida Commission on Tourism was provided spending authority this fiscal year for over \$18 million. The Department of Agriculture and Consumer Services was authorized 3,784 positions with an accompanying

appropriations of over \$312 million. The Citrus Commission will spend another \$73 million in support of that industry and with the help of 120 employees. But this is not a critical observation of these industries or expenditures. Enterprise Florida Inc., with a budget of slightly over \$10 million, does provide economic development assistance to the business community of which the defense industry is certainly apart, and does provide some support for the FDA effort. The significance of these figures, however, is in the relative difference of direct support provided to the three top industries of the state.

One way of resolving this apparent disparity is to create an office of military affairs. Not only is there need to have an office identified with the state's third largest industry, but there is also a need to focus the resources of the state, coordinate a litany of activities, and provide a level of accountability.

The legislature should consider establishing the Office of Military Affairs within the Executive Office of the Governor with the head of the office, presumably the defense coordinator, reporting directly to the Governor.⁹ It is not recommended that the office be placed in OTTED where the current defense coordinator position is currently housed. Having direct access to the Governor is highly desirable given the importance of the issues the office would handle, many of which go well beyond the economic development aspects of a continuing military presence in Florida.

The first and most critical responsibility of the office at the current time would be the continued coordination of the BRAC process and support to the Governor's Advisory Council. However, after 2005 base closure and realignment issues do not necessarily disappear. Closures and realignment of missions under certain thresholds can be authorized by the Department of Defense without Presidential authorization. A state like Florida with its large military population must, therefore, always be diligent.

The office could also assist in the coordination of other activities, both public and private, related to the military and defense industries. This office should interact with all state agencies to determine how those

⁹ Several other entities have been established within the Executive Office, including the Florida State Commission on Hispanic Affairs, the Florida Commission on African-American Affairs, the Citizen's Assistance Office, and the Office of Chief Inspector General.

agencies can better serve the host military communities, the military installations, and Florida's military families. The office could assume, or assist in, the military grants now awarded by OTTED but administrated by Enterprise Florida. The office could also have a continuing role with the FDA so that our military communities always have direct access to state government. On the other side of that equation, this office should continue to arrange the semi-annual meetings that the Governor now holds with the commanders of Florida's military installations.

An area that at times is overlooked is the volunteer effort in which the military extensively engages to pursue quality of life issues for its service members and their families. The military experience and its transitory nature do cause hardships for military families. Volunteerism is one way to attempt to overcome those hardships. Several spouses of base commanders and many others are actively involved in forming volunteer groups to pursue and resolve issues like reciprocal education opportunities, streamlined professional licensing practices, and affordable quality housing. A military affairs office in the Governor's office could be instrumental in coordinating these efforts and removing some of these hardships.

There is a caveat to this recommendation. The creation of this office is not meant in any way to alter or diminish the role of the Florida National Guard or of the Adjutant General.

The Washington Effort

Enterprise Florida, Inc. is currently engaged in an effort to assess Florida's military installations in anticipation of the 2005 BRAC round. That effort will also provide strategies to improve installation efficiencies and enhance the retention and growth of our bases.

As noted earlier, an installation's military value will be the primary criteria used in determining the fate of the base. Considerations to be used in determining that value are preservation of diverse climate and terrain among training areas, preservation of staging areas needed for homeland defense, and impacts on joint war fighting and readiness.

Armed with the understanding of this military value, emissaries must carry that message to Washington. This means contacting the service branches and the Department of Defense that will be developing its recommendations over the next 17 months. If no Florida bases are on the list that the Secretary of

Defense will recommend to the BRAC Commission, Florida's work, for the most part, would be done. What significant effort lies ahead at this point would be to convince the BRAC Commission to realign the missions from closed bases or reduced operations to Florida bases.

The Governor's Advisory Council is advocating the formulation of one message to take to Washington, a message that would be supportive of all our military installations and consistent with an overall state strategy. This message would be ubiquitously delivered to Washington, ensuring that the same message reinforcing the high military value of Florida's bases is heard.

One approach that would provide Senators with the opportunity to deliver a message to Washington that is supportive of our bases is the federal/state summit process. The federal/state summit process has been used in the past to identify important issues that need to be discussed between this Legislature and our Congressional delegation, and, when appropriate, with other governmental officials in Washington. Many significant issues have been addressed through this process, especially issues relating to federal programs that fund local services for Floridians. Just the nature of the BRAC process makes it a ready candidate for this process. It is recommended that consideration be given to using this process as a mechanism that would provide the needed forum for our members to address this vitally important issue.

Obviously, legislative trips outside the summit process are also an option. Senators may also wish to coordinate with their respective FDA or with the Governor's BRAC Advisory Council on other possible travel opportunities to Washington.

The main focus on such trips to Washington should be supporting our bases through the BRAC process. However, the opportunity to discuss other ancillary issues of lesser importance to the process, but still important, should be taken. For example, the Defense Authorization Act of 2003 allowed the service branches to purchase land around bases that would preserve habitat and limit incompatible development. No money was specifically appropriated for that purpose except that the use of general operating and maintenance funds to purchase the land was authorized. Given today's military commitments, those funds are being used for much higher priority items. An effort is currently under way to change the

legislation and to attempt to secure specific funding for such land purchases.

Other BRAC related issues that could also be addressed are: private housing around military installations and other military construction projects; federal impact aid for Florida school districts educating military dependents; additional home land defense activities being based at Florida installations; and federal agencies (like the FBI or Customs) also being based at existing Florida military installations.

Quality of Military Life in Florida

David Chu, Undersecretary of Defense for Personnel and Readiness has stated that a base's contribution to the national defense will be the primary consideration in the base closure process. Quality of life issues will probably be a secondary consideration. To ensure every competitive advantage in the BRAC process, quality of life issues must be considered. But there is a larger issue here. Military service often carries a high price for both the service member and his or her family. Factoring in the current situation, it is easy to understand why support for our military families is so important. Therefore, Florida should do everything possible to continue to be a military friendly state.

No specific findings or recommendations are made in this report on quality of life issues. Instead, please see, "Programs to Assist and Support Florida's Military Families," Interim Project Report 2004-153, which makes recommendations that will not only help our bases in the BRAC 2005 process but will also help our dedicated military men and women and their families.

▶ Since there is no time more imperative than the present to address the needs of our military bases, the legislature should consider increasing the funding level for current military grants to \$12 million.

▶ Standard criteria for awarding Defense Infrastructure Grants should be statutorily adopted.

▶ Create an office of military affairs within the Executive Office of the Governor. Not only is there a need to have an office identified with the state's third largest industry, but there is also a need to focus the resources of the state on our military communities, coordinate a litany of activities, and provide a level of accountability.

▶ Florida should do everything possible to continue to be a military friendly state. However, no specific findings or recommendations are made in this report on quality of life issues. Instead, please see "Programs to Assist and Support Florida's Military Families," Interim Report 2004-153.

▶ The last recommendation does not deal with legislation at the state level. Rather, it is that our members be provided an opportunity to deliver a message to the military hierarchy in Washington that is supportive of all our military installations through the federal/state summit process.

RECOMMENDATIONS

There are a number of issues that can be addressed at the state level that would place Florida in a better position to protect its military installations. Those recommendations on those issues are:

▶ Require local governments to amend the future use element of their comprehensive plan to include the compatibility of future development with the military installation;

▶ Require the exchange of information between the local community and the base when land use decisions may impact operations at the base.