

1 A bill to be entitled
2 An act relating to military affairs; amending
3 s. 627.7283, F.S.; requiring an insurer to
4 refund the entire unearned premium to any
5 member of the armed services who cancels a
6 policy under certain circumstances; amending s.
7 163.3164, F.S.; providing a definition of
8 military installations; amending s. 163.3177,
9 F.S.; providing for consideration of the
10 compatibility with military installations in
11 developing a future land use element to a
12 comprehensive plan; providing for the state
13 land planning agency to coordinate with the
14 Department of Defense on use compatibility
15 issues relating to military installations;
16 creating s. 163.31779, F.S.; requiring certain
17 counties and municipalities to enter into
18 memoranda of agreement with military
19 installations to coordinate future land use
20 changes, local government comprehensive plans,
21 land development regulations, and development
22 orders; requiring a schedule for completion of
23 such agreements; requiring local governments to
24 seek public advise on such agreements;
25 identifying provisions that must be included in
26 such agreements at a minimum; requiring such
27 agreements to be consistent with adopted
28 comprehensive plans or amendments to such plans
29 adopted within one year after execution of the
30 agreement; requiring for the provision of
31 information regarding community planning

1 assistance grants; amending s. 163.3187, F.S.;
2 exempting from certain restrictions on the
3 adoption of amendments to comprehensive plans
4 an amendment that addresses compatibility with
5 military installations based on a memorandum of
6 agreement; amending s. 163.3191, F.S.;
7 requiring an evaluation of the success or
8 failure of the military installation memorandum
9 of agreement in resolving land use
10 compatibility; amending s. 163.3167, F.S.;
11 prohibiting certain judicial abrogation of
12 quasi-judicial development orders issued by
13 local governments; providing for retroactive
14 application; providing an effective date.

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

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18 Section 1. Subsection (5) is added to section
19 627.7283, Florida Statutes, to read:

20 627.7283 Cancellation; return of premium.--

21 (5) The insurer must refund 100 percent of the
22 unearned premium if the insured is a member of the United
23 States Armed Forces, whether an active or reserve member, who
24 cancels because he or she is called to active duty or
25 transferred by the United States Armed Forces to a location
26 where the insurance is not required. The insurer may require
27 a member of the United States Armed Forces to submit either a
28 copy of the official military orders or a written verification
29 signed by the member's commanding officer to support the
30 refund authorized under this subsection. If the insurer
31 cancels, the insurer must refund 100 percent of the unearned

1 premium. Cancellation is without prejudice to any claim
2 originating prior to the effective date of the cancellation.
3 For purposes of this section, unearned premiums must be
4 computed on a pro rata basis.

5 Section 2. Subsection (32) is added to section
6 163.3164, Florida Statutes, to read:

7 163.3164 Local Government Comprehensive Planning and
8 Land Development Regulation Act; definitions.--As used in this
9 act:

10 (32) "Military installation" means a base, camp, post,
11 homeport facility for any ship, or other location under the
12 jurisdiction of the Department of Defense, including any
13 leased facility. Such term does not include any facility used
14 primarily for civil works, docking facilities, rivers and
15 harbors projects, or flood control projects.

16 Section 3. Paragraph (a) of subsection (6) and
17 paragraph (1) of subsection (10) of section 163.3177, Florida
18 Statutes, are amended to read:

19 163.3177 Required and optional elements of
20 comprehensive plan; studies and surveys.--

21 (6) In addition to the requirements of subsections
22 (1)-(5), the comprehensive plan shall include the following
23 elements:

24 (a) A future land use plan element designating
25 proposed future general distribution, location, and extent of
26 the uses of land for residential uses, commercial uses,
27 industry, agriculture, recreation, conservation, education,
28 public buildings and grounds, other public facilities, and
29 other categories of the public and private uses of land. Each
30 future land use category must be defined in terms of uses
31 included, and must include standards to be followed in the

1 control and distribution of population densities and building
2 and structure intensities. The proposed distribution,
3 location, and extent of the various categories of land use
4 shall be shown on a land use map or map series which shall be
5 supplemented by goals, policies, and measurable objectives.
6 The future land use plan shall be based upon surveys, studies,
7 and data regarding the area, including the amount of land
8 required to accommodate anticipated growth; the projected
9 population of the area; the character of undeveloped land; the
10 availability of public services; the need for redevelopment,
11 including the renewal of blighted areas and the elimination of
12 nonconforming uses which are inconsistent with the character
13 of the community; the compatibility with military
14 installations;and, in rural communities, the need for job
15 creation, capital investment, and economic development that
16 will strengthen and diversify the community's economy. The
17 future land use plan may designate areas for future planned
18 development use involving combinations of types of uses for
19 which special regulations may be necessary to ensure
20 development in accord with the principles and standards of the
21 comprehensive plan and this act. In addition, for rural
22 communities, the amount of land designated for future planned
23 industrial use shall be based upon surveys and studies that
24 reflect the need for job creation, capital investment, and the
25 necessity to strengthen and diversify the local economies, and
26 shall not be limited solely by the projected population of the
27 rural community. The future land use plan of a county may also
28 designate areas for possible future municipal incorporation.
29 The land use maps or map series shall generally identify and
30 depict historic district boundaries and shall designate
31 historically significant properties meriting protection. The

1 future land use element must clearly identify the land use
2 categories in which public schools are an allowable use. When
3 delineating the land use categories in which public schools
4 are an allowable use, a local government shall include in the
5 categories sufficient land proximate to residential
6 development to meet the projected needs for schools in
7 coordination with public school boards and may establish
8 differing criteria for schools of different type or size.
9 Each local government shall include lands contiguous to
10 existing school sites, to the maximum extent possible, within
11 the land use categories in which public schools are an
12 allowable use. All comprehensive plans must comply with the
13 school siting requirements of this paragraph no later than
14 October 1, 1999. The failure by a local government to comply
15 with these school siting requirements by October 1, 1999, will
16 result in the prohibition of the local government's ability to
17 amend the local comprehensive plan, except for plan amendments
18 described in s. 163.3187(1)(b), until the school siting
19 requirements are met. Amendments proposed by a local
20 government for purposes of identifying the land use categories
21 in which public schools are an allowable use or for adopting
22 or amending the school-siting maps pursuant to s. 163.31776(3)
23 are exempt from the limitation on the frequency of plan
24 amendments contained in s. 163.3187. The future land use
25 element shall include criteria that encourage the location of
26 schools proximate to urban residential areas to the extent
27 possible and shall require that the local government seek to
28 collocate public facilities, such as parks, libraries, and
29 community centers, with schools to the extent possible and to
30 encourage the use of elementary schools as focal points for
31 neighborhoods. For schools serving predominantly rural

1 counties, defined as a county with a population of 100,000 or
2 fewer, an agricultural land use category shall be eligible for
3 the location of public school facilities if the local
4 comprehensive plan contains school siting criteria and the
5 location is consistent with such criteria.

6 (10) The Legislature recognizes the importance and
7 significance of chapter 9J-5, Florida Administrative Code, the
8 Minimum Criteria for Review of Local Government Comprehensive
9 Plans and Determination of Compliance of the Department of
10 Community Affairs that will be used to determine compliance of
11 local comprehensive plans. The Legislature reserved unto
12 itself the right to review chapter 9J-5, Florida
13 Administrative Code, and to reject, modify, or take no action
14 relative to this rule. Therefore, pursuant to subsection (9),
15 the Legislature hereby has reviewed chapter 9J-5, Florida
16 Administrative Code, and expresses the following legislative
17 intent:

18 (1) The state land planning agency shall consider land
19 use compatibility issues in the vicinity of all airports in
20 coordination with the Department of Transportation, and for
21 military installations in coordination with the Department of
22 Defense.

23 Section 4. Section 163.31779, Florida Statutes, is
24 created to read:

25 163.31779 Military Installation Memorandum of
26 Agreement.--

27 (1)(a) The county or counties in which a military
28 installation is either wholly or partially located and those
29 municipalities adjacent to or proximate to the military
30 installation, as determined by the state land planning agency
31 based on the recommendations of the governing bodies of the

1 affected counties and municipalities and the commanding
2 officer whose primary responsibility is the operation of the
3 military installation, shall enter into a memorandum of
4 agreement with the military installation to coordinate future
5 land use changes including the local government comprehensive
6 plan, land development regulations, and development orders.

7 (b) The agreements shall be completed in accordance
8 with a schedule published by the state land planning agency.
9 The schedule must establish staggered due dates for completion
10 of such agreements that are executed by both the local
11 government and the military installation, concluding by July
12 1, 2004.

13 (c) The military installation, the county or counties
14 in which the military installation either wholly or partially
15 is located and the affected municipalities that are adjacent
16 to or proximate to the military installation as determined by
17 the state land planning agency are encouraged to adopt a
18 single memorandum of agreement to which all join as parties.
19 The state land planning agency shall assemble and make
20 available model agreements meeting the requirements of this
21 section and shall notify local governments and military
22 installations of the requirements of this section. The state
23 land planning agency shall be available to informally review
24 proposed agreements.

25 (2) In preparing to adopt a memorandum of agreement,
26 the local government must seek advice from residents of the
27 local government and others who are likely to be affected by
28 its provisions including, but not limited to; builders,
29 developers, conservation groups, representatives of the United
30 States Armed Services, and neighborhood groups.

31 (3) At a minimum, the memorandum of agreement must:

1 (a) Coordinate planning activities between the local
2 government and military installation to determine how the
3 public health, safety, and welfare is likely to be affected by
4 the proximity of development to the military installation,
5 operating areas, and ranges.

6 (b) Coordinate planning activities between the local
7 government and military installation to make reasonable
8 provisions for preserving open space and compatible land uses
9 near the military installation.

10 (c) Coordinate planning activities between the local
11 government and military installation to evaluate land
12 proximate to the military installation taking into
13 consideration the findings of any Department of Defense Joint
14 Land Use Study Program, or the findings of any Air
15 Installation Compatible Use Zone (AICUZ) and of any
16 Installation Environmental Noise Management Program (IENMP,
17 which was formerly the Installation Compatible Use Zone, or
18 ICUZ, program).

19 (d) Provide for a process by which the affected local
20 governments and military installation coordinate and share
21 information relating to comprehensive plans and plan
22 amendments, land development regulations and changes thereto
23 including zoning changes, and development orders. The
24 affected local governments shall provide the military
25 installation an opportunity to review and comment on
26 comprehensive plans, plan amendments, land development
27 regulations and changes thereto, and development orders. The
28 local government shall consider those comments, if any, when
29 adopting such plans or regulations or when approving
30 development orders. Comments on plan amendments may be
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1 provided to the Department for consideration in its compliance
2 review.

3 (e) Provide for the resolution of disputes between the
4 military and local governments, which may include the dispute
5 resolution processes contained in chapters 164 and 186.

6 (f) Provide for an oversight process, including an
7 opportunity for public participation, for the implementation
8 of the memorandum of agreement.

9 (g) Provide for the identification of amendments to
10 the comprehensive plan needed to ensure compatibility with the
11 military installation and consistency with the interlocal
12 agreement.

13 (4) A memorandum of agreement entered into pursuant to
14 this section must be consistent with the adopted comprehensive
15 plan, or an amendment to such plan adopted within one year
16 after execution of the agreement, and land development
17 regulations of any local government that is a signatory.

18 (5) The commanding officer whose primary
19 responsibility is the operation of the military installation
20 is encouraged to provide information about any community
21 planning assistance grants that might be available to the
22 local government through the federal Office of Economic
23 Adjustment, as an incentive for communities to participate in
24 the Joint Land Use Study Program to facilitate the
25 compatibility of community planning and activities vital to
26 the national defense.

27 Section 5. A new paragraph (m) is added to subsection
28 (1) of section 163.3187, Florida Statutes, to read:

29 163.3187 Amendment of adopted comprehensive plan.--
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1 (1) Amendments to comprehensive plans adopted pursuant
2 to this part may be made not more than two times during any
3 calendar year, except:

4 (m) A comprehensive plan amendment that addresses
5 compatibility with military installations pursuant to the
6 military installation memorandum of agreement, does not count
7 toward the limitation on the frequency of plan amendments.

8 Section 6. A new paragraph (n) is added to subsection
9 (2) of section 163.3191, Florida Statutes, to read:

10 163.3191 Evaluation and appraisal of comprehensive
11 plan.--

12 (2) The report shall present an evaluation and
13 assessment of the comprehensive plan and shall contain
14 appropriate statements to update the comprehensive plan,
15 including, but not limited to, words, maps, illustrations, or
16 other media, related to:

17 (n) An evaluation of the success or failure of the
18 military installation memorandum of agreement in resolving
19 land use compatibility in the proximity of military
20 installations.

21 Section 7. Subsection (13) is added to section
22 163.3167, Florida Statutes, to read:

23 163.3167 Scope of act.--

24 (13)(a) If a local government grants a quasi-judicial
25 development order pursuant to its adopted land development
26 regulations and the order is not the subject of a pending
27 appeal, the right to commence and complete development
28 pursuant to the order may not be abrogated by a subsequent
29 judicial determination that such land development regulations
30 or any portion thereof are invalid because of a deficiency in
31 the approval standards.

1 (b) This subsection does not preclude or affect the
2 timely institution of a common law writ of certiorari
3 proceeding pursuant to Rule 9.190, Florida Rules of Appellate
4 Procedure or original proceedings pursuant to s. 163.3215.

5 (c) This subsection applies retroactively to any order
6 granted on or after January 1, 2002.

7 Section 8. This act shall take effect upon becoming a
8 law.

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