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LEGISLATIVE ACTION

Senate

House

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04/30/2010 05:48 PM

Senators Bennett and Altman moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) The Legislature finds that incompatible development of
land close to military installations can adversely affect the
ability of the ~~such an~~ installation to carry out its mission.
The Legislature further finds that such development also



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14 threatens the public safety because of the possibility of
15 accidents occurring within the areas surrounding the a military
16 installation. In addition, the economic vitality of a community
17 is affected when military operations and missions must relocate
18 because of incompatible urban encroachment. Therefore, the
19 Legislature finds it desirable for ~~the~~ local governments ~~in the~~
20 ~~state~~ to cooperate with military installations in order to
21 encourage compatible land use, help prevent incompatible
22 encroachment, and facilitate the continued presence of major
23 military installations in this state.

24 (2) Due to their mission and activities, certain major
25 military installations have a greater potential for experiencing
26 compatibility and coordination issues than others. Consequently,
27 this section and the provisions of s. 163.3177(6) (a), relating
28 to the compatibility of land development with military
29 installations, apply to the following military installations in
30 association with the following specified local governments:

31 (a) Avon Park Air Force Range, associated with Highlands,
32 Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,
33 and Frostproof.

34 (b) Camp Blanding, associated with Clay, Bradford, and
35 Putnam Counties.

36 (c) Eglin Air Force Base and Hurlburt Field, associated
37 with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco
38 Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach,
39 Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and
40 Valparaiso.

41 (d) Homestead Air Reserve Base, associated with Miami-Dade
42 County and Homestead.



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- 43 (e) Jacksonville Training Range Complex, associated with
44 Lake, Marion, Putnam, and Volusia Counties.
- 45 (f) MacDill Air Force Base, associated with Tampa.
- 46 (g) Naval Air Station Jacksonville, Marine Corps Blount
47 Island Command, and outlying landing field Whitehouse,
48 associated with Jacksonville.
- 49 (h) Naval Air Station Key West, associated with Monroe
50 County and Key West.
- 51 (i) Naval Support Activity Panama City, associated with Bay
52 County, Panama City, and Panama City Beach.
- 53 (j) Naval Air Station Pensacola, associated with Escambia
54 County.
- 55 (k) Naval Air Station Whiting Field and its outlying
56 landing fields, associated with Santa Rosa and Escambia
57 Counties.
- 58 (l) Naval Station Mayport, associated with Atlantic Beach
59 and Jacksonville.
- 60 (m) Patrick Air Force Base and Cape Canaveral Air Force
61 Station, associated with Brevard County and Satellite Beach.
- 62 (n) Tyndall Air Force Base, associated with Bay County and
63 Mexico Beach and Parker.
- 64 (3) The Florida Council on Military Base and Mission
65 Support may recommend to the Legislature changes to the military
66 installations and associated local governments specified in
67 subsection (2) based on the military bases' potential for
68 impacts from encroachment and incompatible land use and
69 development.
- 70 (4)-(2) Each affected local government shall county in which
71 a military installation is either wholly or partially located



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72 ~~and each affected local government must~~ transmit to the
73 commanding officer of an associated military ~~that~~ installation
74 information relating to proposed changes to comprehensive plans,
75 plan amendments, and proposed changes to land development
76 regulations which, if approved, would affect the intensity,
77 density, or use of the land adjacent to or in close proximity to
78 the ~~military~~ installation. At the request of the commanding
79 officer, each affected local government shall also transmit to
80 the commanding officer copies of applications for development
81 orders requesting a variance or waiver from height or lighting
82 restrictions or noise attenuation reduction requirements within
83 areas defined in the local government's comprehensive plan as
84 being in the military installation's zone of influence. Each
85 ~~county and~~ affected local government shall provide the military
86 installation an opportunity to review and comment on the
87 proposed changes.

88 (5) ~~(3)~~ The commanding officer or a ~~his or her~~ designee may
89 provide comments to the ~~county or~~ affected local government on
90 the impact such proposed changes may have on the mission of the
91 military installation. Such comments may include:

92 (a) If the installation has an airfield, whether the ~~such~~
93 proposed changes will be incompatible with the safety and noise
94 standards contained in the Air Installation Compatible Use Zone
95 (AICUZ) adopted by the military installation for that airfield. ~~†~~

96 (b) Whether such changes are incompatible with the
97 Installation Environmental Noise Management Program (IENMP) of
98 the United States Army. ~~†~~

99 (c) Whether such changes are incompatible with the findings
100 of a Joint Land Use Study (JLUS) for the area if one has been



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101 completed. ~~;~~ and

102 (d) Whether the military installation's mission will be
103 adversely affected by the proposed actions of the county or
104 affected local government.

105 ~~(6)~~ ~~(4)~~ The ~~county or~~ affected local government shall take
106 into consideration any comments provided pursuant to subsection
107 (5) by the commanding officer or his or her designee ~~when making~~
108 ~~such decision regarding comprehensive planning or land~~
109 ~~development regulation.~~ The ~~county or~~ affected local government
110 shall forward a copy of any ~~such~~ comments regarding
111 comprehensive plan amendments to the state land planning agency.

112 ~~(7)~~ ~~(5)~~ To facilitate the exchange of information provided
113 ~~for~~ in this section, a representative of a military installation
114 acting on behalf of all military installations within that
115 jurisdiction shall be included as an ex officio, nonvoting
116 member of the county's or affected local government's land
117 planning or zoning board.

118 ~~(8)~~ ~~(6)~~ The commanding officer is encouraged to provide
119 information about any community planning assistance grants that
120 may be available to a county or affected local government
121 through the federal Office of Economic Adjustment as an
122 incentive for communities to participate in a joint planning
123 process that would facilitate the compatibility of community
124 planning and the activities and mission of the military
125 installation.

126 (9) If, as required under s. 163.3177(6)(a), a local
127 government does not adopt criteria and address the compatibility
128 of lands adjacent to or closely proximate to existing military
129 installations in its future land use plan element by June 30,



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130 2012, the local government, the military installation, the state
131 land planning agency, and other parties identified by the
132 regional planning council, including, but not limited to,
133 private landowner representatives, shall enter into mediation
134 conducted pursuant to s. 186.509. If the local government
135 comprehensive plan does not contain criteria addressing
136 compatibility by December 31, 2013, the agency may notify the
137 Administration Commission. The commission may impose sanctions
138 pursuant to s. 163.3184(11).

139 ~~(7) As used in this section, the term:~~

140 ~~(a) "Affected local government" means a municipality~~
141 ~~adjacent to or in close proximity to the military installation~~
142 ~~as determined by the state land planning agency.~~

143 ~~(b) "Military installation" means a base, camp, post,~~
144 ~~station, airfield, yard, center, home port facility for any~~
145 ~~ship, or other land area under the jurisdiction of the~~
146 ~~Department of Defense, including any leased facility. Such term~~
147 ~~does not include any facility used primarily for civil works,~~
148 ~~rivers and harbors projects, or flood control projects.~~

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

151 163.3177 Required and optional elements of comprehensive
152 plan; studies and surveys.-

153 (6) In addition to the requirements of subsections (1)-(5)
154 and (12), the comprehensive plan shall include the following
155 elements:

156 (a) A future land use plan element designating proposed
157 future general distribution, location, and extent of the uses of
158 land for residential uses, commercial uses, industry,



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159 agriculture, recreation, conservation, education, public
160 buildings and grounds, other public facilities, and other
161 categories of the public and private uses of land. Counties are
162 encouraged to designate rural land stewardship areas, pursuant
163 to paragraph (11) (d), as overlays on the future land use map.
164 Each future land use category must be defined in terms of uses
165 included, and must include standards to be followed in the
166 control and distribution of population densities and building
167 and structure intensities. The proposed distribution, location,
168 and extent of the various categories of land use must ~~shall~~ be
169 shown on a land use map or map series which shall be
170 supplemented by goals, policies, and measurable objectives. The
171 future land use plan shall be based upon surveys, studies, and
172 data regarding the area, including the amount of land required
173 to accommodate anticipated growth; the projected population of
174 the area; the character of undeveloped land; the availability of
175 water supplies, public facilities, and services; the need for
176 redevelopment, including the renewal of blighted areas and the
177 elimination of nonconforming uses which are inconsistent with
178 the character of the community; the compatibility of uses on
179 lands adjacent to or closely proximate to military
180 installations; lands adjacent to an airport as defined in s.
181 330.35 and consistent with s. 333.02; the discouragement of
182 urban sprawl; energy-efficient land use patterns accounting for
183 existing and future electric power generation and transmission
184 systems; greenhouse gas reduction strategies; and, in rural
185 communities, the need for job creation, capital investment, and
186 economic development that will strengthen and diversify the
187 community's economy. The future land use plan may designate



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188 areas for future planned development use involving combinations
189 of types of uses for which special regulations may be necessary
190 to ensure development in accord with the principles and
191 standards of the comprehensive plan and this act. The future
192 land use plan element must ~~shall~~ include criteria to be used to
193 achieve the compatibility of lands adjacent or closely proximate
194 to military installations, considering factors identified in s.
195 163.3175(5), and lands adjacent to an airport as defined in s.
196 330.35 and consistent with s. 333.02. In addition, for rural
197 communities, the amount of land designated for future planned
198 industrial use must ~~shall~~ be based on ~~upon~~ surveys and studies
199 that reflect the need for job creation, capital investment, and
200 the necessity to strengthen and diversify the local economies,
201 and may not be limited solely by the projected population of the
202 rural community. The future land use plan of a county may also
203 designate areas for possible future municipal incorporation. The
204 land use maps or map series must ~~shall~~ generally identify and
205 depict historic district boundaries and ~~shall~~ designate
206 historically significant properties meriting protection. For
207 coastal counties, the future land use element must include,
208 without limitation, regulatory incentives and criteria that
209 encourage the preservation of recreational and commercial
210 working waterfronts as defined in s. 342.07. The future land use
211 element must clearly identify the land use categories in which
212 public schools are an allowable use. When delineating the land
213 use categories in which public schools are an allowable use, a
214 local government shall include in the categories sufficient land
215 proximate to residential development to meet the projected needs
216 for schools in coordination with public school boards and may



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217 establish differing criteria for schools of different type or
218 size. Each local government shall include lands contiguous to
219 existing school sites, to the maximum extent possible, within
220 the land use categories in which public schools are an allowable
221 use. The failure by a local government to comply with these
222 school siting requirements will result in the prohibition of the
223 local government's ability to amend the local comprehensive
224 plan, except for plan amendments described in s. 163.3187(1)(b),
225 until the school siting requirements are met. Amendments
226 proposed by a local government for purposes of identifying the
227 land use categories in which public schools are an allowable use
228 are exempt from the limitation on the frequency of plan
229 amendments contained in s. 163.3187. The future land use element
230 must ~~shall~~ include criteria that encourage the location of
231 schools proximate to urban residential areas to the extent
232 possible and ~~shall~~ require that the local government seek to
233 collocate public facilities, such as parks, libraries, and
234 community centers, with schools to the extent possible and to
235 encourage the use of elementary schools as focal points for
236 neighborhoods. For schools serving predominantly rural counties,
237 defined as a county with a population of 100,000 or fewer, an
238 agricultural land use category is eligible for the location of
239 public school facilities if the local comprehensive plan
240 contains school siting criteria and the location is consistent
241 with such criteria. Local governments required to update or
242 amend their comprehensive plan to include criteria and address
243 compatibility of lands adjacent or closely proximate to existing
244 military installations, or lands adjacent to an airport as
245 defined in s. 330.35 and consistent with s. 333.02, in their



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246 future land use plan element shall transmit the update or
247 amendment to the state land planning agency by June 30, 2012.

248 Section 3. Section 196.061, Florida Statutes, is amended to
249 read:

250 196.061 Rental of homestead to constitute abandonment.—

251 (1) The rental of an entire dwelling previously claimed to
252 be a homestead for tax purposes constitutes ~~shall constitute~~ the
253 abandonment of said dwelling as a homestead, and such ~~said~~
254 abandonment continues ~~shall continue~~ until the ~~such~~ dwelling is
255 physically occupied by the owner ~~thereof~~. However, such
256 abandonment ~~of such homestead~~ after January 1 of any year does
257 ~~shall~~ not affect the homestead exemption for tax purposes for
258 that particular year if so long as this provision is not used
259 for 2 consecutive years. ~~The provisions of~~

260 (2) This section does ~~shall~~ not apply to a member of the
261 Armed Forces of the United States whose service in such forces
262 is the result of a mandatory obligation imposed by the federal
263 Selective Service Act or who volunteers for service as a member
264 of the Armed Forces of the United States. Moreover, valid
265 military orders transferring such member are sufficient to
266 maintain permanent residence, for the purpose of s. 196.015, for
267 the member and his or her spouse.

268 Section 5. Section 455.02, Florida Statutes, is amended to
269 read:

270 455.02 Licensure of members of the Armed Forces in good
271 standing with administrative boards and their spouses.—

272 (1) Any member of the Armed Forces of the United States now
273 or hereafter on active duty who, at the time of becoming such a
274 member, was in good standing with any administrative board of



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275 the state and ~~was~~ entitled to practice or engage in his or her
276 profession or vocation in the state shall be kept in good
277 standing by such administrative board, without registering,
278 paying dues or fees, or performing any other act on his or her
279 part to be performed, as long as he or she is a member of the
280 Armed Forces of the United States on active duty and for a
281 period of 6 months after discharge from active duty as a member
282 of the Armed Forces of the United States, if provided he or she
283 is not engaged in his or her licensed profession or vocation in
284 the private sector for profit.

285 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
286 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
287 ~~members~~ of the Armed Forces of the United States from licensure
288 renewal provisions, but only in cases of his or her absence from
289 the state because of his or her spouse's ~~their spouses'~~ duties
290 with the Armed Forces.

291 (3) The department may issue a temporary professional
292 license to the spouse of an active duty member of the Armed
293 Forces of the United States if the spouse applies to the
294 department in the format prescribed by the department.

295 (a) An application must include proof that:

296 1. The applicant is married to a member of the Armed Forces
297 of the United States who is on active duty.

298 2. The applicant holds a valid license for the profession
299 issued by another state, the District of Columbia, any
300 possession or territory of the United States, or any foreign
301 jurisdiction.

302 3. The applicant's spouse is assigned to a duty station in
303 this state and the applicant is also assigned to a duty station



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304 in this state pursuant to the member's official active duty
305 military orders.

306 4. A complete set of the applicant's fingerprints has been
307 submitted to the Department of Law Enforcement for a statewide
308 criminal history check.

309 a. The Department of Law Enforcement shall forward the
310 fingerprints to the Federal Bureau of Investigation for a
311 national criminal history check. The department shall, and the
312 board may, review the results of the criminal history checks
313 according to the level 2 screening standards in s. 435.04 and
314 determine whether the applicant meets the licensure
315 requirements.

316 b. The costs of fingerprint processing shall be borne by
317 the applicant. If the applicant's fingerprints are submitted
318 through an authorized agency or vendor, the agency or vendor
319 shall collect the required processing fees and remit the fees to
320 the Department of Law Enforcement.

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

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

326 Section 6. Subsections (4) and (7) of section 250.10,
327 Florida Statutes, are amended to read:

328 250.10 Appointment and duties of the Adjutant General.—

329 (4) Subject to confirmation by the Senate, the Adjutant
330 General:

331 (a) Shall, ~~subject to confirmation by the Senate,~~ employ a
332 federally recognized officer of the Florida National Guard, who



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333 has served in the Florida Army Guard for the preceding 5 years
334 and attained the rank of colonel or higher at the time of
335 appointment, to be the Assistant Adjutant General for Army.

336 (b) May employ an additional federally recognized officer
337 of the Florida National Guard, who has served in the Florida
338 Army Guard for the preceding 5 years and attained the rank of
339 colonel or higher at the time of appointment, to be a second
340 Assistant Adjutant General for Army.

341
342 Each ~~The~~ officer shall perform the duties required by the
343 Adjutant General.

344 (7) The Adjutant General shall develop an education
345 assistance program for members in good standing of the Florida
346 National Guard who enroll in an authorized course of study at a
347 public or nonpublic institution of higher learning in the state
348 which has been accredited by an accrediting body recognized by
349 the United States Department of Education or licensed by the
350 Commission for Independent Education ~~the Commission on Colleges~~
351 ~~of the Southern Association of Colleges and Schools~~. This
352 program shall be known as the Educational Dollars for Duty
353 program (EDD).

354 (a) The program shall set forth application requirements,
355 including, but not limited to, those requiring ~~requirements~~ that
356 the applicant:

- 357 1. Be 17 years of age or older.
358 2. Be presently domiciled in the state.
359 3. Be an active drilling member and in good standing in the
360 Florida National Guard at the beginning of and throughout the
361 entire academic term for which benefits are received.



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362 4. Maintain continuous satisfactory participation in the
363 Florida National Guard for any school term for which exemption
364 benefits are received.

365 5. Upon enrollment in the program, complete a memorandum of
366 agreement to comply with the rules of the program and serve in
367 the Florida National Guard for the period specified in the
368 member's enlistment or reenlistment contract.

369 (b) The program shall define those members of the Florida
370 National Guard who are ineligible to participate in the program
371 and those courses of study which are not authorized for the
372 program.

373 1. Ineligible members include, but are not limited to, any
374 member, commissioned officer, warrant officer, or enlisted
375 person who has obtained a master's degree using the program.

376 2. Courses not authorized include noncredit courses,
377 courses that do not meet degree requirements, courses that do
378 not meet requirements for completion of career training, or
379 other courses as determined by program definitions.

380 3. College-preparatory courses are authorized for the
381 program.

382 (c) The Adjutant General shall adopt rules for the overall
383 policy, guidance, administration, implementation, and proper use
384 of the program. Such rules must include, but not be limited to,
385 guidelines for certification by the Adjutant General of a guard
386 member's eligibility, procedures for notification to an
387 institution of a guard member's termination of eligibility, and
388 procedures for restitution when a guard member fails to comply
389 with the penalties described in this section.

390 Section 7. This act shall take effect July 1, 2010.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to military support; amending s.
163.3175, F.S.; specifying the military installations,
and the local governments associated with those bases,
to which certain provisions of the act apply;
authorizing the Florida Council on Military Base and
Mission Support to recommend changes to military
installations and local governments; requiring
affected local governments to transmit to the
commanding officer of a military installation
information relating to certain proposed changes to
comprehensive plans and land development regulations;
requiring local governments to transmit, at the
request of a commanding officer, copies of
applications for development orders requesting
specified variances or waivers within a zone of
influence of a military installation; requiring a
local government, military installation, the state
land planning agency, and other parties to enter into
mediation if a local government does not adopt
criteria and address compatibility issues relating to
lands adjacent to or closely proximate to existing
military installations in its future land use plan
element of a comprehensive plan by a specified date;



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420 authorizing notification of the Administration
421 Commission if the local government comprehensive plan
422 does not contain criteria addressing compatibility by
423 a specified date; authorizing the imposition of
424 sanctions by the commission; eliminating definitions;
425 amending s. 163.3177, F.S.; specifying factors used to
426 achieve compatibility of lands adjacent to military
427 installations in a future land use plan element of a
428 comprehensive plan; amending s. 196.061, F.S.;

429 providing that valid military orders transferring a
430 military servicemember are sufficient to maintain
431 permanent homestead residence status; amending s.
432 455.02, F.S.; authorizing temporary professional
433 licensure by the Department of Business and
434 Professional Regulation of the spouses of certain
435 active duty members of the Armed Forces; providing
436 application requirements; requiring criminal history
437 checks and fees; amending s. 250.10, F.S.; authorizing
438 the Adjutant General to employ a second Assistant
439 Adjutant General for Army; revising accreditation
440 standards for educational institutions with respect to
441 the Educational Dollars for Duty education assistance
442 program; providing an effective date.