

CHAPTER 2012-98

House Bill No. 7075

An act relating to military installations; amending s. 163.3175, F.S.; authorizing the Florida Defense Support Task Force to recommend to the Legislature specified changes in military installations and local governments under the Community Planning Act; clarifying and revising procedures related to exchange of information between military installations and local governments under the act; amending s. 288.972, F.S.; revising legislative intent with respect to proposed closure or reuse of military bases; amending s. 288.980, F.S.; creating the Military Base Protection Program within the Department of Economic Opportunity; providing for use of program funds; revising provisions relating to the award of grants for retention of military installations; revising a definition; eliminating the Florida Economic Reinvestment Initiative; establishing the Florida Defense Reinvestment Grant Program to be administered by the Department of Economic Opportunity; specifying purposes of the program; specifying activities for which grant awards may be provided; eliminating the Defense-Related Business Adjustment Program, the Florida Defense Planning Grant Program, the Florida Defense Implementation Grant Program, the Florida Military Installation Reuse Planning and Marketing Grant Program, and the Retention of Military Installations Program; transferring and reassigning the functions and responsibilities of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity to the Florida Defense Support Task Force within the Department of Economic Opportunity by type two transfer; repealing s. 288.984, F.S., which establishes the Florida Council on Military Base and Mission Support and provides purposes thereof; amending s. 288.985, F.S.; conforming provisions relating to exempt records and meetings of the Council on Military Base and Mission Support; amending s. 288.987, F.S.; revising provisions relating to the Florida Defense Support Task Force, to conform; providing effective dates.

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

Section 1. Subsections (3), (5), and (6) of section 163.3175, Florida Statutes, are amended to read:

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

(3) ~~The Florida Defense Support Task Force Council on Military Base and Mission Support~~ may recommend to the Legislature changes to the military installations and local governments specified in subsection (2) based on a military base's potential for impacts from encroachment, and incompatible land uses and development.

(5) The commanding officer or his or her designee may provide advisory comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such advisory comments shall be based on appropriate data and analyses provided with the comments and may include:

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

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

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

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

The commanding officer's comments, underlying studies, and reports shall be considered by the local government in the same manner as the comments received from other reviewing agencies pursuant to s. 163.3184 ~~are not binding on the local government.~~

(6) The affected local government shall take into consideration any comments and accompanying data and analyses provided by the commanding officer or his or her designee pursuant to subsection (4) as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operations, while also respecting and ~~must also be sensitive to private property rights and not being~~ be unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

Section 2. Subsections (9) and (10) of section 288.972, Florida Statutes, are amended to read:

288.972 Legislative intent.—It is the policy of this state, once the Federal Government has proposed any base closure or has determined that military bases, lands, or installations are to be closed and made available for reuse, to:

~~(9)—Coordinate the development of the Defense-Related Business Adjustment Program to increase commercial technology development by defense companies.~~

~~(9)~~(10) Coordinate the development, maintenance, and analysis of a workforce database to assist workers adversely affected by defense-related activities in their relocation efforts.

Section 3. Section 288.980, Florida Statutes, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)(a) It is the intent of this state to provide the necessary means to assist communities with military installations in supporting and sustaining those installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal government relating to realignments and closures Base Realignment and Closure Commission. It is critical that closure-vulnerable communities develop and implement strategies such a program to preserve and protect affected military installations. The Legislature hereby recognizes that the state needs to coordinate all efforts that can support facilitate the retention of all remaining military installations throughout 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.

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization 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. The defense alliance shall serve as an overall advisory body for defense-related activity of Enterprise Florida, Inc. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department.

(2) The Military Base Protection Program is created. Funds appropriated to this program may be used to address emergent needs relating to mission sustainment and base retention. All funds appropriated for the purposes of this program are eligible to be used for matching of federal funds. The department shall coordinate and implement this program.

(3)(2)(a) The department is authorized to award grants on a competitive basis from any funds available to it to support activities related to the Florida Defense Reinvestment Grant Program and the Florida Defense Infrastructure Grant Program retention of military installations potentially affected by federal base closure or realignment.

(b) The term “activities” as used in this section means studies, presentations, analyses, plans, and modeling. For the purposes of the Florida Defense Infrastructure Grant Program, the term “activities” also includes, but is not limited to, construction, land purchases, and easements. Staff salaries are not considered an “activity” for which grant funds may be awarded. Travel costs and costs incidental thereto incurred by a grant recipient shall be considered an “activity” for which grant funds may be awarded.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph

~~(3)(c), the amount of any grant provided to an applicant may not exceed \$250,000. The department shall require that an applicant:~~

- 1. ~~Represent a local government with a military installation or military installations that could be adversely affected by federal actions base realignment or closure.~~
- 2. ~~Agree to match at least 30 percent of any grant awarded.~~
- 3. ~~Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.~~
- 4. ~~Provide documentation describing the potential for changes to the mission realignment or closure of a military installation located in the applicant’s community and the potential adverse impacts such changes realignment or closure will have on the applicant’s community.~~

~~(d) In making grant awards the department office shall consider, at a minimum, the following factors:~~

- 1. ~~The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.~~
- 2. ~~The potential job displacement within the local community should the mission of the military installation be changed closed.~~
- 3. ~~The potential adverse impact on industries and technologies which service the military installation.~~

~~(4)(3) The Florida Defense Reinvestment Grant Program Economic Reinvestment Initiative is established to respond to the need for this state to work in conjunction with defense-dependent communities in developing and implementing strategies and approaches that will help communities support the missions of military installations, and in developing and implementing and defense-dependent communities in this state to develop alternative economic diversification strategies to transition from a defense economy to a nondefense economy lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. The program initiative shall consist of the following two distinct grant programs to be administered by the department and grant awards may be provided to support community-based activities that:~~

~~(a) Protect existing military installations; The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall~~

~~work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.~~

~~(b) Diversify the economy of a defense-dependent community; or The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.~~

~~(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils. Develop and implement plans for the reuse of closed or realigned military installations, including any plans necessary for infrastructure improvements needed to facilitate reuse and related marketing activities.~~

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

~~(5)(4) The Defense Infrastructure Grant Program is created. The department shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. It is not the intent, however, to fund on-base military construction projects. Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. The program may not be used to fund on-base military construction projects. The department shall establish guidelines to implement the purpose of this subsection.~~

~~(5)(a) The Defense-Related Business Adjustment Program is hereby created. The department shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial~~

technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an “activity” for which grant funds may be awarded.

~~(b)~~—The department shall require that an applicant:

~~1.~~—Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

~~2.~~—Agree to match at least 50 percent of any funds awarded by the United States Department of Defense in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

~~3.~~—Prepare a coordinated program or plan delineating how the funds will be administered.

~~4.~~—Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

~~(6)~~—The Retention of Military Installations Program is created. The department shall coordinate and implement this program.

~~(6)(7)~~ The department may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

~~(7)(8)~~ Payment of administrative expenses shall be limited to no more than 10 percent of any grants issued pursuant to this section.

~~(8)(9)~~ The department shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 4. Effective upon this act becoming a law, the powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Florida Defense Support Task Force within the Department of Economic Opportunity.

Section 5. Effective upon this act becoming a law, section 288.984, Florida Statutes, is repealed.

Section 6. Effective upon this act becoming a law, subsections (1) and (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Defense Support Task Force Council on Military Base and Mission Support are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state’s strategy to retain its military bases during any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Florida Defense Support Task Force Council on Military Base and Mission Support, or a workgroup of the task force council, at which records are presented or discussed which are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 7. Effective upon this act becoming a law, subsections (2), (5), (6), and (7) of section 288.987, Florida Statutes, are amended to read:

288.987 Florida Defense Support Task Force.—

(2) The mission of the task force is to make recommendations preserve and protect military installations ~~to prepare the state to effectively compete in any federal base realignment and closure action~~, to support the state’s position in research and development related to or arising out of military missions and contracting, and to improve the state’s military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

(5) The executive director of Department of Economic Opportunity the ~~Office of Tourism, Trade, and Economic Development~~ within the ~~Executive Office of the Governor~~, or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

(6) ~~The chair shall schedule and conduct the first meeting of the task force by October 1, 2011. The task force shall submit an annual a progress report and work plan for the remainder of the 2011-2012 fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2012, and shall submit an annual report each February 1 thereafter.~~

(7) ~~The department~~ ~~Office of Tourism, Trade, and Economic Development~~ shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to \$200,000 of funds appropriated to the ~~department Executive Office of the Governor, Office of Tourism, Trade, and Economic Development~~, for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.