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1 A bill to be entitled
 2 An act relating to airport zoning; amending s. 333.03,
 3 F.S.; providing exceptions from certain airport zoning
 4 prohibitions for the placement of educational facilities
 5 in certain counties; amending s. 1013.36, F.S., to
 6 conform; providing an effective date.

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

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 10 Section 1. Paragraph (d) of subsection (2) and subsection
 11 (3) of section 333.03, Florida Statutes, are amended to read:

12 333.03 Power to adopt airport zoning regulations.--

13 (2) In the manner provided in subsection (1), interim
 14 airport land use compatibility zoning regulations shall be
 15 adopted. When political subdivisions have adopted land
 16 development regulations in accordance with the provisions of
 17 chapter 163 which address the use of land in the manner
 18 consistent with the provisions herein, adoption of airport land
 19 use compatibility regulations pursuant to this subsection shall
 20 not be required. Interim airport land use compatibility zoning
 21 regulations shall consider the following:

22 (d) Where an airport authority or other governing body
 23 operating a publicly owned, public-use airport has not conducted
 24 a noise study, neither residential construction nor any
 25 educational facility as defined in chapter 1013, with the
 26 exception of aviation school facilities, shall be permitted
 27 within an area contiguous to the airport measuring one-half the
 28 length of the longest runway on either side of and at the end of
 29 each runway centerline. For educational facilities, this

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30 provision shall not apply to any county as defined in s.
 31 125.011(1). The school board in any such county shall provide a
 32 public hearing for any educational facility located within the
 33 area delineated in this paragraph and paragraph (c).

34 (3) In the manner provided in subsection (1), airport
 35 zoning regulations shall be adopted which restrict new
 36 incompatible uses, activities, or construction within runway
 37 clear zones, including uses, activities, or construction in
 38 runway clear zones which are incompatible with normal airport
 39 operations or endanger public health, safety, and welfare by
 40 resulting in congregations of people, emissions of light or
 41 smoke, or attraction of birds. Such regulations shall prohibit
 42 the construction of an educational facility of a public or
 43 private school at either end of a runway of a publicly owned,
 44 public-use airport within an area which extends 5 miles in a
 45 direct line along the centerline of the runway, and which has a
 46 width measuring one-half the length of the runway. For
 47 educational facilities, this provision shall not apply to any
 48 county as defined in s. 125.011(1). The school board in any such
 49 county shall provide a public hearing prior to site acquisition
 50 for any educational facility that is located in the area
 51 delineated in this subsection. Exceptions approving construction
 52 of an educational facility within the delineated area shall only
 53 be granted when the political subdivision administering the
 54 zoning regulations makes specific findings detailing how the
 55 public policy reasons for allowing the construction outweigh
 56 health and safety concerns prohibiting such a location.

57 Section 2. Subsection (3) of section 1013.36, Florida
 58 Statutes, is amended to read:

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59 1013.36 Site planning and selection.--

60 (3) Sites recommended for purchase or purchased must meet
61 standards prescribed in law and such supplementary standards as
62 the State Board of Education prescribes to promote the
63 educational interests of the students. Each site must be well
64 drained and suitable for outdoor educational purposes as
65 appropriate for the educational program or collocated with
66 facilities to serve this purpose. As provided in s. 333.03, the
67 site must not be located within any path of flight approach of
68 any airport, except as provided in s. 333.03(2)(d) and (3).
69 Insofar as is practicable, the site must not adjoin a right-of-
70 way of any railroad or through highway and must not be adjacent
71 to any factory or other property from which noise, odors, or
72 other disturbances, or at which conditions, would be likely to
73 interfere with the educational program. To the extent
74 practicable, sites must be chosen which will provide safe access
75 from neighborhoods to schools.

76 Section 3. This act shall take effect July 1, 2004.