

By the Committee on Comprehensive Planning; and Senator Garcia

316-2371-04

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

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

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

333.03 Power to adopt airport zoning regulations.--

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

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

1 in any county as defined in s. 125.011(1), such area shall
2 measure one-fourth the length of the longest runway on either
3 side of and at the end of each runway centerline.

4 (3) In the manner provided in subsection (1), airport
5 zoning regulations shall be adopted which restrict new
6 incompatible uses, activities, or construction within runway
7 clear zones, including uses, activities, or construction in
8 runway clear zones which are incompatible with normal airport
9 operations or endanger public health, safety, and welfare by
10 resulting in congregations of people, emissions of light or
11 smoke, or attraction of birds. Such regulations shall prohibit
12 the construction of an educational facility of a public or
13 private school at either end of a runway of a publicly owned,
14 public-use airport within an area which extends 5 miles in a
15 direct line along the centerline of the runway, and which has
16 a width measuring one-half the length of the runway.

17 Notwithstanding this subsection, in any county as defined in
18 s. 125.011(1), such regulations shall prohibit the
19 construction of a public or private educational facility at
20 either end of a runway of a publicly owned, public-use airport
21 within an area that extends 2 miles in a direct line along the
22 centerline of the runway and has a width measuring one-fourth
23 the length of the runway. Exceptions approving construction
24 of an educational facility within the delineated area shall
25 only be granted when the political subdivision administering
26 the zoning regulations makes specific findings detailing how
27 the public policy reasons for allowing the construction
28 outweigh health and safety concerns prohibiting such a
29 location.

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

1 1013.36 Site planning and selection.--
2 (3) Sites recommended for purchase or purchased must
3 meet standards prescribed in law and such supplementary
4 standards as the State Board of Education prescribes to
5 promote the educational interests of the students. Each site
6 must be well drained and suitable for outdoor educational
7 purposes as appropriate for the educational program or
8 collocated with facilities to serve this purpose. As provided
9 in s. 333.03, the site must not be located within any path of
10 flight approach of any airport, except as provided in s.
11 333.03(2)(e) and (3). Insofar as is practicable, the site must
12 not adjoin a right-of-way of any railroad or through highway
13 and must not be adjacent to any factory or other property from
14 which noise, odors, or other disturbances, or at which
15 conditions, would be likely to interfere with the educational
16 program. To the extent practicable, sites must be chosen which
17 will provide safe access from neighborhoods to schools.

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

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 2572

23 The CS differs from the bill as filed in that rather than
24 exempting counties with a population of more than 1.5 million
25 from the restriction on the placement of educational
26 facilities adjacent to or near airport facilities, it creates
27 a less restrictive prohibition for any county as defined in
28 s.125.011(1), F.S.
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