

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

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 9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Paragraph (d) of subsection (2) and  
 12 subsection (3) of section 333.03, Florida Statutes, are  
 13 amended to read:

14           333.03 Power to adopt airport zoning regulations.--

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

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

1 this provision does not apply to any county as defined in s.  
2 125.011(1). The school board in any such county shall provide  
3 a public hearing for any educational facility located within  
4 the area delineated in paragraph (c) and this paragraph.

5 (3) In the manner provided in subsection (1), airport  
6 zoning regulations shall be adopted which restrict new  
7 incompatible uses, activities, or construction within runway  
8 clear zones, including uses, activities, or construction in  
9 runway clear zones which are incompatible with normal airport  
10 operations or endanger public health, safety, and welfare by  
11 resulting in congregations of people, emissions of light or  
12 smoke, or attraction of birds. Such regulations shall prohibit  
13 the construction of an educational facility of a public or  
14 private school at either end of a runway of a publicly owned,  
15 public-use airport within an area which extends 5 miles in a  
16 direct line along the centerline of the runway, and which has  
17 a width measuring one-half the length of the runway. For  
18 educational facilities, this provision does not apply to any  
19 county as defined in s. 125.011(1). The school board in any  
20 such county shall provide a public hearing prior to site  
21 acquisition for any educational facility that is located in  
22 the area delineated in this subsection. Exceptions approving  
23 construction of an educational facility within the delineated  
24 area shall only be granted when the political subdivision  
25 administering the zoning regulations makes specific findings  
26 detailing how the public policy reasons for allowing the  
27 construction outweigh health and safety concerns prohibiting  
28 such a location.

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

31 1013.36 Site planning and selection.--

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

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