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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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