



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

Section 1013.36(3), F.S. references s. 333.03, F.S., and provides that the site for construction of educational facilities must not be located within any path of flight approach of any airport.

Chapter 333, Florida Statutes, the “Airport Zoning Law of 1945,”<sup>1</sup> contains detailed requirements for adopting airport zoning regulations, resolving conflicts among local governmental regulations and other provisions.

Section 333.03(1), F.S., authorizes local governments to adopt airport zoning regulations. Subsection (2) specifies the requirements for any airport zoning regulations.<sup>2</sup> These include:

- Prohibition to build any educational facility as defined in chapter 1013<sup>3</sup> within the outer noise contour area contiguous to an airport when a noise study has been conducted in accordance with the provisions of 14 C.F.R. part 150<sup>4</sup>
- Prohibition to build any educational facility 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

Subsection (3) authorizes a local government with an airport zoning authority to make specific findings detailing the reasons for allowing exceptions for the construction of an educational facility or other incompatible uses within these areas. The granting of any such exceptions must be preceded by findings made by the governmental entity administering the airport zoning regulations.<sup>5</sup>

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<sup>1</sup> Section 333.03(1)(b), F.S.

<sup>2</sup> Land development regulations are to be adopted in accordance with the provisions of Chapter 163, F.S., Intergovernmental Programs. Part II of Ch. 163 contains the land development regulation law. Section 333.03(2), F.S., provides for interim airport land use compatibility zoning regulations relating to airport zoning.

<sup>3</sup> Section 1013.01(6), F.S., defines “educational facilities” as the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards.

<sup>4</sup> 14 C.F.R. part 150 prescribes systems for measuring noise at airports and surrounding areas and determining exposure of individuals to noise that results from operations of an airport. Appendix A establishes a uniform methodology, including a single system of measuring noise at airports for which there is a highly reliable relationship between projected noise exposure and surveyed reactions of people to noise along with a separate single system for determining the exposure of individuals to noise. It also identifies land uses which are considered to be compatible with various exposures of individuals to noise around airports.

<sup>5</sup> “School construction in airport flight patterns,” Informal Legal Opinion from Office of the Attorney General, State of Florida, January 13, 2004.

Section 333.08, F.S., sets forth an appeals procedure for any person aggrieved by airport zoning regulations. Section 333.11, F.S., makes provision for judicial review of these matters. Enforcement of the provisions of Chapter 333, F.S., is prescribed in s. 333.13, F.S., and authorizes any political subdivision or agency adopting airport zoning regulations to “prevent, restrain, correct, or abate any violation of this chapter.”<sup>6</sup>

### **Miami-Dade**

In the Miami-Dade School District, there are high growth municipalities located contiguous to an airport and surrounded by urbanized developed areas that have schools with capped enrollment. Doral is one such area.

Approximately 50 schools currently exist in the flight path of the airport. In the past two years, eight affordable sites have been rejected because the site was located within the flight path.

### **Provisions of HB 881**

HB 881 provides exceptions for any county with a population of more than 1.5 million as of the most recent decennial census from prohibitions for constructing educational facilities in the airport flight path. Miami-Dade has a population of 2.2 million and Broward has a population of 1.6 million.

## **C. SECTION DIRECTORY:**

**Section 1.** Amends s. 333.03, F.S.; providing an exemption for certain counties from the prohibition to permit educational facilities within the area contiguous to an airport that has a outer noise contour incompatible with an educational facility; providing an exemption for certain counties from prohibition to construct an educational facility within 5 miles of either end of certain public airport runways.

**Section 2.** Amends s. 1013.36, F.S.; providing a conforming exception to the prohibition to locate educational facilities within the flight approach path of any airport.

**Section 3.** Providing an effective date of July 1, 2004.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

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<sup>6</sup> Section 333.13(2), F.S.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

More construction of educational facilities could occur in Miami-Dade County.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES