

HB 0881

2004

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.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

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 10           Section 1. Paragraph (e) is added to subsection (2) of  
 11           section 333.03, Florida Statutes, and subsection (3) of said  
 12           section is amended, to read:

13           333.03 Power to adopt airport zoning regulations.--

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

23           (c) Where an airport authority or other governing body  
 24           operating a publicly owned, public-use airport has conducted a  
 25           noise study in accordance with the provisions of 14 C.F.R. part  
 26           150, neither residential construction nor any educational  
 27           facility as defined in chapter 1013, with the exception of  
 28           aviation school facilities, shall be permitted within the area  
 29           contiguous to the airport defined by an outer noise contour that

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30 is considered incompatible with that type of construction by 14  
 31 C.F.R. part 150, Appendix A or an equivalent noise level as  
 32 established by other types of noise studies.

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

41 (e) Notwithstanding paragraphs (c) and (d), any county  
 42 with a population of more than 1.5 million as of the most recent  
 43 decennial census shall not be subject to the limitations  
 44 contained in such paragraphs related to placement of educational  
 45 facilities.

46 (3) In the manner provided in subsection (1), airport  
 47 zoning regulations shall be adopted which restrict new  
 48 incompatible uses, activities, or construction within runway  
 49 clear zones, including uses, activities, or construction in  
 50 runway clear zones which are incompatible with normal airport  
 51 operations or endanger public health, safety, and welfare by  
 52 resulting in congregations of people, emissions of light or  
 53 smoke, or attraction of birds. Such regulations shall prohibit  
 54 the construction of an educational facility of a public or  
 55 private school at either end of a runway of a publicly owned,  
 56 public-use airport within an area which extends 5 miles in a  
 57 direct line along the centerline of the runway, and which has a  
 58 width measuring one-half the length of the runway; however, any

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59 county with a population of more than 1.5 million as of the most  
 60 recent decennial census shall not be subject to this  
 61 requirement. Exceptions approving construction of an educational  
 62 facility within the delineated area shall only be granted when  
 63 the political subdivision administering the zoning regulations  
 64 makes specific findings detailing how the public policy reasons  
 65 for allowing the construction outweigh health and safety  
 66 concerns prohibiting such a location.

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

69 1013.36 Site planning and selection.--

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

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