

Amendment No.

CHAMBER ACTION

Senate

House

.  
.
.

1 Representative Plakon offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act may be cited as the "Airline Safety  
6 and Wildlife Protection Act of Florida."

7 Section 2. Section 379.2293, Florida Statutes, is created  
8 to read:

9 379.2293 Airport activities within the scope of a  
10 federally approved wildlife hazard management plan or a federal  
11 or state permit or other authorization for depredation or  
12 harassment.--

13 (1) The Legislature finds and declares that the ability of  
14 airports to manage wildlife hazards in a manner consistent with  
15 state and federal law is necessary to prevent jeopardy to human  
16 life or aircraft safety. It is the intent of the Legislature

360173

Approved For Filing: 4/23/2009 12:04:34 PM

Amendment No.

17 that actions taken by airports within the scope of  
18 authorizations to manage wildlife for such purposes not be  
19 subject to penalties, restrictions, liabilities, or sanctions  
20 and that such authorizations not be superseded by actions of  
21 other state or local agencies.

22 (2) An airport authority or other entity owning or  
23 operating an airport, as defined in s. 330.27(2), is not subject  
24 to any administrative or civil penalty, restriction, or other  
25 sanction with respect to any authorized action taken in a non-  
26 negligent manner for the purpose of protecting human life or  
27 aircraft safety from wildlife hazards.

28 (3) (a) For purposes of this section, an "authorized action  
29 taken for the purpose of protecting human life or aircraft  
30 safety from wildlife hazards" is an action authorized by or  
31 within the scope of any of the following:

32 1. The airport's wildlife hazard management plan, as  
33 approved by the Federal Aviation Administration.

34 2. A depredation permit issued by the United States Fish  
35 and Wildlife Service.

36 3. A standing order of the United States Fish and Wildlife  
37 Service.

38 4. Rule 68A-9.010(4) or rule 68A-27.002, Florida  
39 Administrative Code, or a permit authorizing the harassment of  
40 wildlife issued by the Fish and Wildlife Conservation  
41 Commission.

42 (b) The term "authorized action taken for the purpose of  
43 protecting human life or aircraft safety from wildlife hazards"  
44 does not include:

360173

Approved For Filing: 4/23/2009 12:04:34 PM

Amendment No.

45 1. Dredging or filling of wetlands or other surface waters  
46 or alteration of a stormwater management system, unless  
47 authorized by and performed in compliance with a permit issued  
48 under part IV of chapter 373 or an emergency order under chapter  
49 373. However, such a permit or emergency order is not required  
50 prior to the activity when the airport authority or other entity  
51 described in subsection (2) determines that an emergency  
52 condition exists which requires immediate action to protect  
53 human life and the airport authority or other entity described  
54 in subsection (2) obtains the appropriate permit under part IV  
55 of chapter 373 within one year after conducting the emergency  
56 action.

57 2. Trespass on lands or unauthorized interference with an  
58 easement not owned or leased by the airport authority or other  
59 entity referred to in subsection (2).

60 (4) If an authorized action taken for the purpose of  
61 protecting human life or aircraft safety from wildlife hazards  
62 as defined in subsection (3) conflicts or appears to conflict  
63 with a development permit, land development regulation, local  
64 comprehensive plan, or other environmental or land-use law,  
65 rule, restriction, or requirement, the authorization described  
66 in subsection (3) shall prevail.

67 (5) In addition to applying to the airport authority or  
68 other owner or operator of the airport, the immunities conferred  
69 by this section also apply to any officer, employee, contractor,  
70 or employee of a contractor of the airport authority or other  
71 owner or operator of the airport, or any member of the airport's  
72 governing body, to the extent that the actions of the officer,

360173

Approved For Filing: 4/23/2009 12:04:34 PM

Amendment No.

73 employee, contractor, contractor's employee, or member are  
74 authorized by or within the scope of one or more of the legal  
75 authorities described in subsection (3).

76 (6) Nothing in this section is intended to provide  
77 immunity from liability with respect to intentional or negligent  
78 torts, and nothing in this section is intended to affect the  
79 waiver of sovereign immunity under s. 768.28.

80 Section 3. This act shall take effect upon becoming a law.  
81  
82

83 -----  
84 **T I T L E A M E N D M E N T**

85 Remove the entire title and insert:

86 A bill to be entitled  
87 An act relating to aircraft safety; providing a short  
88 title; creating s. 379.2293, F.S.; providing legislative  
89 findings and intent; exempting airport authorities and  
90 other entities from penalties, restrictions, or sanctions  
91 with respect to authorized actions taken to protect human  
92 life or aircraft from wildlife hazards; defining the term  
93 "authorized action taken for the purpose of protecting  
94 human life or aircraft safety from wildlife hazards";  
95 providing that federal or state authorizations for such  
96 actions prevail over certain other regulations, permits,  
97 comprehensive plans, and laws; providing immunity from  
98 penalties with respect to authorized action for certain  
99 individuals; providing exceptions; providing an effective  
100 date.

360173

Approved For Filing: 4/23/2009 12:04:34 PM