

1                                   A bill to be entitled  
 2           An act relating to aircraft safety; providing a short  
 3           title; creating s. 379.2293, F.S.; providing legislative  
 4           findings and intent; exempting airport authorities and  
 5           other entities from penalties, restrictions, or sanctions  
 6           with respect to authorized actions taken to protect human  
 7           life or aircraft from wildlife hazards; defining the term  
 8           "authorized action taken for the purpose of protecting  
 9           human life or aircraft safety from wildlife hazards";  
 10          providing that federal or state authorizations for such  
 11          actions prevail over certain other regulations, permits,  
 12          comprehensive plans, and laws; providing immunity from  
 13          penalties with respect to authorized action for certain  
 14          individuals; providing exceptions; providing an effective  
 15          date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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

21           Section 2. Section 379.2293, Florida Statutes, is created  
 22 to read:

23           379.2293 Airport activities within the scope of a  
 24 federally approved wildlife hazard management plan or a federal  
 25 or state permit or other authorization for depredation or  
 26 harassment.--

27           (1) The Legislature finds and declares that the ability of  
 28 airports to manage wildlife hazards in a manner consistent with

29 state and federal law is necessary to prevent jeopardy to human  
30 life or aircraft safety. It is the intent of the Legislature  
31 that actions taken by airports within the scope of  
32 authorizations to manage wildlife for such purposes not be  
33 subject to penalties, restrictions, liabilities, or sanctions  
34 and that such authorizations not be superseded by actions of  
35 other state or local agencies.

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

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

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

48 2. A depredation permit issued by the United States Fish  
49 and Wildlife Service.

50 3. A standing order of the United States Fish and Wildlife  
51 Service.

52 4. Rule 68A-9.010(4) or rule 68A-27.002, Florida  
53 Administrative Code, or a permit authorizing the harassment of  
54 wildlife issued by the Fish and Wildlife Conservation  
55 Commission.

56 (b) The term "authorized action taken for the purpose of

57 protecting human life or aircraft safety from wildlife hazards"  
58 does not include:

59 1. Dredging or filling of wetlands or other surface waters  
60 or alteration of a stormwater management system, unless  
61 authorized by and performed in compliance with a permit issued  
62 under part IV of chapter 373 or an emergency order under chapter  
63 373. However, such a permit or emergency order is not required  
64 prior to the activity when the airport authority or other entity  
65 described in subsection (2) determines that an emergency  
66 condition exists which requires immediate action to protect  
67 human life and the airport authority or other entity described  
68 in subsection (2) obtains the appropriate permit under part IV  
69 of chapter 373 within one year after conducting the emergency  
70 action.

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

74 (4) If an authorized action taken for the purpose of  
75 protecting human life or aircraft safety from wildlife hazards  
76 as defined in subsection (3) conflicts or appears to conflict  
77 with a development permit, land development regulation, local  
78 comprehensive plan, or other environmental or land-use law,  
79 rule, restriction, or requirement, the authorization described  
80 in subsection (3) shall prevail.

81 (5) In addition to applying to the airport authority or  
82 other owner or operator of the airport, the immunities conferred  
83 by this section also apply to any officer, employee, contractor,  
84 or employee of a contractor of the airport authority or other

85 owner or operator of the airport, or any member of the airport's  
86 governing body, to the extent that the actions of the officer,  
87 employee, contractor, contractor's employee, or member are  
88 authorized by or within the scope of one or more of the legal  
89 authorities described in subsection (3).

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

94 Section 3. This act shall take effect upon becoming a law.  
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