

ENROLLED

CS/HB 1065, Engrossed 1

2009 Legislature

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.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 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

ENROLLED

CS/HB 1065, Engrossed 1

2009 Legislature

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 34 and that such authorizations not be superseded by actions of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

ENROLLED

CS/HB 1065, Engrossed 1

2009 Legislature

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

ENROLLED

CS/HB 1065, Engrossed 1

2009 Legislature

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.
95
96