



455194

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/21/2009	.	
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The Committee on Judiciary (Baker) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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

(1) The Legislature finds and declares that the ability of



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13 airports to manage wildlife hazards in a manner consistent with  
14 state and federal law is necessary to prevent jeopardy to human  
15 life or aircraft safety. It is the intent of the Legislature  
16 that actions taken by airports within the scope of  
17 authorizations to manage wildlife for such purposes not be  
18 subject to penalties, restrictions, liabilities, or sanctions  
19 and that such authorizations not be superseded by actions of  
20 other state or local agencies.

21 (2) Notwithstanding any other provision of law to the  
22 contrary, 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, civil, or criminal penalty, restriction,  
25 liability, or other sanction with respect to any authorized  
26 action taken for the purpose of protecting human life or  
27 aircraft safety from wildlife hazards.

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



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

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

56           2. Trespass on lands not owned or leased by the airport  
57 authority or other entity referred to in subsection (2).

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

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



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

74 (6) This section does not provide immunity from liability  
75 for intentional or negligent torts and does not affect the  
76 waiver of sovereign immunity under s. 768.28.

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

78  
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete everything before the enacting clause  
82 and insert:

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