

By Senator Baker

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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
4 legislative findings and intent; exempting airport
5 authorities and other entities from penalties,
6 restrictions, liabilities, or sanctions with respect
7 to authorized action taken to protect human life or
8 aircraft from wildlife hazards; defining the term
9 "authorized action taken for the purpose of protecting
10 human life or aircraft safety from wildlife hazards";
11 providing that such actions prevail over certain other
12 regulations, permits, comprehensive plans, and laws;
13 providing immunity from penalties with respect to
14 authorized action for certain individuals; providing
15 an effective 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 and
20 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 permit or
24 other authorization for depredation or harassment.-

25 (1) The Legislature finds and declares that the ability of
26 airports to manage wildlife hazards in a manner consistent with
27 state and federal law is necessary to prevent jeopardy to human
28 life or aircraft safety. It is the intent of the Legislature
29 that actions taken by airports within the scope of

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30 authorizations to manage wildlife for such purposes not be
31 subject to penalties, restrictions, liabilities, or sanctions
32 and that such authorizations not be superseded by actions of
33 other state or local agencies.

34 (2) Notwithstanding any other provision of law to the
35 contrary, an airport authority or other entity owning or
36 operating an airport is not subject to any administrative,
37 civil, or criminal penalty, restriction, liability, or other
38 sanction with respect to any authorized action taken for the
39 purpose of protecting human life or aircraft safety from
40 wildlife hazards.

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

45 (a) The airport's wildlife hazard management plan, as
46 approved by the Federal Aviation Administration.

47 (b) A depredation permit issued by the United States Fish
48 and Wildlife Service.

49 (c) A standing order of the United States Fish and Wildlife
50 Service.

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

55 (4) If an action authorized under subsection (3) conflicts
56 or appears to conflict with a development permit, land-
57 development regulation, local comprehensive plan, or other
58 environmental or land-use law, rule, restriction, or

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59 requirement, the authorization described in subsection (3) shall
60 prevail.

61 (5) In addition to applying to the airport authority or
62 other owner or operator of the airport, the immunities conferred
63 by this section also apply to any officer, employee, contractor,
64 or employee of a contractor of the airport authority or other
65 owner or operator of the airport, or any member of the airport's
66 governing body, to the extent that the actions of the officer,
67 employee, contractor, contractor's employee, or member are
68 authorized by or within the scope of one or more of the legal
69 authorities described in subsection (3).

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