

By the Committee on Judiciary; and 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, or sanctions with respect to authorized
7 actions taken to protect human life or aircraft from
8 wildlife hazards; defining the term "authorized action
9 taken for the purpose of protecting human life or
10 aircraft safety from wildlife hazards"; providing that
11 federal or state authorizations for such actions
12 prevail over certain other regulations, permits,
13 comprehensive plans, and laws; providing immunity from
14 penalties with respect to authorized action for
15 certain individuals; providing exceptions; providing
16 an effective date.

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

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

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

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

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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34 and that such authorizations not be superseded by actions of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
40 nonnegligent 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:

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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 1 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

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

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