

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Miller offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 333.01, Florida Statutes, is amended to read:

333.01 Definitions.—As used in ~~For the purpose of this chapter, the term following words, terms, and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:~~

- (1) "Aeronautical study" means a Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation

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15 Administration policy and guidance, on the effect of proposed  
16 construction or alteration on the operation of air navigation  
17 facilities and the safe and efficient use of navigable airspace  
18 ~~"Aeronautics" means transportation by aircraft; the operation,~~  
19 ~~construction, repair, or maintenance of aircraft, aircraft power~~  
20 ~~plants and accessories, including the repair, packing, and~~  
21 ~~maintenance of parachutes; the design, establishment,~~  
22 ~~construction, extension, operation, improvement, repair, or~~  
23 ~~maintenance of airports, restricted landing areas, or other air~~  
24 ~~navigation facilities, and air instruction.~~

25 (2) "Airport" means any area of land or water designed and  
26 set aside for the landing and taking off of aircraft and  
27 utilized or to be utilized in the interest of the public for  
28 such purpose.

29 (3) "Airport hazard" means an obstruction to air  
30 navigation that affects the safe and efficient use of navigable  
31 airspace or the operation of planned or existing air navigation  
32 and communication facilities ~~any structure or tree or use of~~  
33 ~~land which would exceed the federal obstruction standards as~~  
34 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~  
35 ~~and which obstructs the airspace required for the flight of~~  
36 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~  
37 ~~hazardous to such taking off, maneuvering, or landing of~~  
38 ~~aircraft and for which no person has previously obtained a~~  
39 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

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40 (4) "Airport hazard area" means any area of land or water  
41 upon which an airport hazard might be established ~~if not~~  
42 ~~prevented as provided in this chapter.~~

43 (5) "Airport land use compatibility zoning" means airport  
44 zoning regulations governing ~~restricting~~ the use of land on,  
45 adjacent to, or in the immediate vicinity of airports ~~in the~~  
46 ~~manner enumerated in s. 333.03(2) to activities and purposes~~  
47 ~~compatible with the continuation of normal airport operations~~  
48 ~~including landing and takeoff of aircraft in order to promote~~  
49 ~~public health, safety, and general welfare.~~

50 (6) "Airport layout plan" means a set of scaled drawings  
51 that provides a graphic representation of the existing and  
52 future development plan for the airport and demonstrates the  
53 preservation and continuity of safety, utility, and efficiency  
54 of the airport detailed, scale engineering drawing, including  
55 pertinent dimensions, of an airport's current and planned  
56 facilities, their locations, and runway usage.

57 (7) "Airport master plan" means a comprehensive plan of an  
58 airport which typically describes current and future plans for  
59 airport development designed to support existing and future  
60 aviation demand.

61 (8) "Airport protection zoning regulations" means airport  
62 zoning regulations governing airport hazards.

63 (9) "Department" means the Department of Transportation.

64 (10) "Educational facility" means any structure, land, or  
65 use thereof that includes a public or private K-12 school,

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66 charter school, magnet school, college campus, or university  
67 campus. The term does not include space used for educational  
68 purposes within a multi-tenant building.

69 (11) "Landfill" has the same meaning as provided in s.  
70 403.703.

71 (12)-(7) "Obstruction" means any object of natural growth  
72 or terrain, or permanent or temporary construction or  
73 alteration, including equipment or materials used and any  
74 permanent or temporary apparatus, or alteration of any permanent  
75 or temporary existing structure by a change in its height,  
76 including appurtenances, or lateral dimensions, including  
77 equipment or material used therein, existing or proposed, which  
78 exceeds manmade object or object of natural growth or terrain  
79 that violates the federal obstruction standards contained in 14  
80 C.F.R. part 77, subpart C ss. 77.21, 77.23, 77.25, 77.28, and  
81 77.29.

82 (13)-(8) "Person" means any individual, firm,  
83 copartnership, corporation, company, association, joint-stock  
84 association, or body politic, and includes any trustee,  
85 receiver, assignee, or other similar representative thereof.

86 (14)-(9) "Political subdivision" means the local government  
87 of any county, city, town, village, or other subdivision or  
88 agency thereof, or any district or special district, port  
89 commission, port authority, or other such agency authorized to  
90 establish or operate airports in the state.

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91 (15) "Public-use airport" means an airport, publicly or  
92 privately owned, licensed by the state, which is open for use by  
93 the public.

94 (16)-(10) "Runway protection clear zone" means an area at  
95 ground level beyond the runway end to enhance the safety and  
96 protection of people and property on the ground a runway clear  
97 zone as defined in 14 C.F.R. s. 151.9(b).

98 (17)-(11) "Structure" means any object, constructed,  
99 erected, altered, or installed by humans, including, but without  
100 limitation thereof, buildings, towers, smokestacks, utility  
101 poles, power generation equipment, and overhead transmission  
102 lines.

103 (18) "Substantial modification" means any repair,  
104 reconstruction, rehabilitation, or improvement of a structure  
105 the actual cost of which equals or exceeds 50 percent of the  
106 market value of the structure.

107 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~

108 Section 2. Section 333.025, Florida Statutes, is amended  
109 to read:

110 333.025 Permit required for obstructions ~~structures~~  
111 ~~exceeding federal obstruction standards.~~

112 (1) A person proposing the construction or alteration of  
113 an obstruction shall obtain a permit from the department ~~In~~  
114 ~~order to prevent the erection of structures dangerous to air~~  
115 ~~navigation, subject to the provisions of subsections (2), (3),~~  
116 ~~and (4), each person shall secure from the Department of~~

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117 ~~Transportation a permit for the erection, alteration, or~~  
118 ~~modification of any structure the result of which would exceed~~  
119 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~  
120 ~~77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the~~  
121 ~~department are of Transportation will be required only within an~~  
122 ~~airport hazard area where federal obstruction standards are~~  
123 ~~exceeded and if the proposed construction or alteration is~~  
124 ~~within a 10-nautical-mile radius of the airport reference point,~~  
125 ~~located at the approximate geometric geographical center of all~~  
126 ~~usable runways of a public-use airport or a publicly owned or~~  
127 ~~operated airport, a military airport, or an airport licensed by~~  
128 ~~the state for public use.~~

129 (2) ~~Existing, planned, and proposed Affected airports will~~  
130 ~~be considered as having these facilities on public-use airports~~  
131 ~~contained in an which are shown on the airport master plan, on~~  
132 ~~or an airport layout plan submitted to the Federal Aviation~~  
133 ~~Administration Airport District Office, or in comparable~~  
134 ~~military documents shall, and will be so protected from airport~~  
135 ~~hazards. Planned or proposed public-use airports which are the~~  
136 ~~subject of a notice or proposal submitted to the Federal~~  
137 ~~Aviation Administration or to the Department of Transportation~~  
138 ~~shall also be protected.~~

139 (3) ~~A permit is not required for existing structures that~~  
140 ~~requirements of subsection (1) shall not apply to projects which~~  
141 ~~received construction permits from the Federal Communications~~  
142 ~~Commission for structures exceeding federal obstruction~~

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143 standards before ~~prior to~~ May 20, 1975, and a permit is not  
144 required for ~~provided such structures now exist; nor shall it~~  
145 ~~apply to previously approved structures now existing, or any~~  
146 necessary replacement or repairs to such existing structures  
147 provided, ~~so long as~~ the height and location are ~~is~~ unchanged.

148 (4) When political subdivisions have, in compliance with  
149 this chapter, adopted adequate airport airspace protection  
150 zoning regulations, ~~placed in compliance with s. 333.03,~~ and  
151 such regulations ~~are~~ on file with the department's Aviation and  
152 Spaceports Office Department of Transportation, and established  
153 a permitting process, a permit for such structure ~~is shall~~ not  
154 ~~be~~ required from the department ~~of Transportation.~~ Upon receipt  
155 of a complete permit application, the local government shall  
156 provide a copy of the application to the department's Aviation  
157 and Spaceports Office by certified mail, return receipt  
158 requested, or by delivery service that provides a receipt  
159 evidencing delivery. To evaluate technical consistency with this  
160 subsection, the department has a 15-day review period following  
161 receipt of the application, which runs concurrently with the  
162 local government permitting process. Cranes, construction  
163 equipment, and other temporary structures in use or in place for  
164 a period not to exceed 18 consecutive months are exempt from  
165 department review unless such review is requested by the  
166 department.

167 (5) The department ~~of Transportation~~ shall, within 30 days  
168 after ~~of the~~ receipt of an application for a permit, issue or

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169 deny a permit for the construction or ~~erection, alteration, or~~  
170 ~~modification~~ of an obstruction. The department shall review  
171 permit applications in conformity with s. 120.60 any structure  
172 ~~the result of which would exceed federal obstruction standards~~  
173 ~~as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and~~  
174 ~~77.29.~~

175 (6) In determining whether to issue or deny a permit, the  
176 department shall consider:

177 (a) The safety of persons on the ground and in the air.

178 (b) The safe and efficient use of navigable airspace.

179 ~~(c)-(a)~~ The nature of the terrain and height of existing  
180 structures.

181 (d) The effect of the construction or alteration of an  
182 obstruction on the state licensing standards for a public-use  
183 airport contained in chapter 330 and rules adopted thereunder.

184 ~~(b) Public and private interests and investments.~~

185 ~~(e)-(e)~~ The character of existing and planned flight flying  
186 operations and planned developments at public-use of airports.

187 ~~(f)-(d)~~ Federal airways, visual flight rules, flyways and  
188 corridors, and instrument approaches as designated by the Federal  
189 Aviation Administration.

190 ~~(g)-(e)~~ The effect of whether the construction or  
191 alteration of an obstruction on of the proposed structure would  
192 cause an increase in the minimum descent altitude or the  
193 decision height at the affected airport.

194 ~~(f) Technological advances.~~

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195 ~~(g) The safety of persons on the ground and in the air.~~

196 ~~(h) Land use density.~~

197 ~~(i) The safe and efficient use of navigable airspace.~~

198 (h)(j) The cumulative effects on navigable airspace of all  
199 existing obstructions structures, ~~proposed structures identified~~  
200 ~~in the applicable jurisdictions' comprehensive plans~~, and all  
201 other known proposed obstructions structures in the area.

202 (7) When issuing a permit under this section, the  
203 department ~~of Transportation shall, as a specific condition of~~  
204 ~~such permit~~, require the owner of the obstruction to install,  
205 operate, and maintain thereon, at the owner's expense, marking  
206 and lighting in conformance with the specific standards  
207 established by the Federal Aviation Administration of the  
208 ~~permitted structure as provided in s. 333.07(3)(b).~~

209 (8) The department ~~may of Transportation shall~~ not approve  
210 a permit for the construction or alteration of an obstruction  
211 ~~erection of a structure~~ unless the applicant submits both  
212 documentation showing compliance with the federal requirement  
213 for notification of proposed construction or alteration and a  
214 valid aeronautical study. A evaluation, and no permit may not  
215 ~~shall~~ be approved solely because the Federal Aviation  
216 Administration determines that the proposed obstruction is not  
217 an airport hazard on the basis that such proposed structure will  
218 ~~not exceed federal obstruction standards as contained in 14~~  
219 ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other~~  
220 ~~federal aviation regulation.~~

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221 (9) The denial of a permit under this section is subject  
222 to administrative review under chapter 120.

223 Section 3. Section 333.03, Florida Statutes, is amended to  
224 read:

225 333.03 ~~Power to adopt~~ Airport protection zoning  
226 regulations.-

227 (1) (a) ~~In order to prevent the creation or establishment~~  
228 ~~of airport hazards,~~ Every political subdivision having an  
229 airport hazard area within its territorial limits shall, ~~by~~  
230 ~~October 1, 1977,~~ adopt, administer, and enforce, under the  
231 police power and in the manner and upon the conditions  
232 ~~hereinafter~~ prescribed in this section, airport protection  
233 zoning regulations for such airport hazard area.

234 (b) When ~~where~~ an airport is owned or controlled by a  
235 political subdivision and any other political subdivision has  
236 land upon which an obstruction may be constructed or altered,  
237 which land underlies any of the surfaces of the airport  
238 described in 14 C.F.R. part 77, subpart C, the political  
239 subdivisions ~~airport hazard area appertaining to such airport is~~  
240 ~~located wholly or partly outside the territorial limits of said~~  
241 ~~political subdivision, the political subdivision owning or~~  
242 ~~controlling the airport and the political subdivision within~~  
243 ~~which the airport hazard area is located,~~ shall either:

244 1. By interlocal agreement, ~~in accordance with the~~  
245 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set

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246 of airport protection zoning regulations ~~applicable to the~~  
247 ~~airport hazard area in question; or~~

248 2. By ordinance, regulation, or resolution ~~duly adopted,~~  
249 create a joint airport protection zoning board that, ~~which board~~  
250 shall ~~have the same power to~~ adopt, administer, and enforce a  
251 set of airport protection zoning regulations ~~applicable to the~~  
252 ~~airport hazard area in question as that vested in paragraph (a)~~  
253 ~~in the political subdivision within which such area is located.~~  
254 The ~~Each such~~ joint airport protection zoning board shall have  
255 as voting members two representatives appointed by each  
256 participating political subdivision ~~participating in its~~  
257 ~~creation and in addition~~ a chair elected by a majority of the  
258 members ~~so~~ appointed. ~~However,~~ The airport manager or a  
259 representative of each airport in managers of the participating  
260 ~~affected~~ political subdivisions shall serve on the board in a  
261 nonvoting capacity.

262 (c) Airport protection zoning regulations adopted under  
263 paragraph (a) shall, at ~~as~~ a minimum, require:

264 1. A permit variance for the construction or erection,  
265 ~~alteration, or modification~~ of any obstruction ~~structure which~~  
266 ~~would cause the structure to exceed the federal obstruction~~  
267 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~  
268 ~~77.28, and 77.29;~~

269 2. ~~Obstruction~~ Marking and lighting for obstructions  
270 ~~structures as specified in s. 333.07(3);~~

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271 3. Documentation showing compliance with the federal  
272 requirement for notification of proposed construction or  
273 alteration of structures and a valid aeronautical study  
274 ~~evaluation~~ submitted by each person applying for a permit  
275 ~~variance~~;

276 4. Consideration of the criteria in s. 333.025(6), when  
277 determining whether to issue or deny a permit variance; and

278 5. That a permit may not ~~no variance shall~~ be approved  
279 solely because the Federal Aviation Administration determines  
280 that the proposed obstruction is not an airport hazard on the  
281 ~~basis that such proposed structure will not exceed federal~~  
282 ~~obstruction standards as contained in 14 C.F.R. ss. 77.21,~~  
283 ~~77.23, 77.25, 77.28, or 77.29, or any other federal aviation~~  
284 ~~regulation.~~

285 (d) The department shall be available to provide  
286 assistance to political subdivisions with regard to issue copies  
287 ~~of the federal obstruction standards as contained in 14 C.F.R.~~  
288 ~~ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political~~  
289 ~~subdivision having airport hazard areas and, in cooperation with~~  
290 ~~political subdivisions, shall issue appropriate airport zoning~~  
291 ~~maps depicting within each county the maximum allowable height~~  
292 ~~of any structure or tree. Material distributed pursuant to this~~  
293 ~~subsection shall be at no cost to authorized recipients.~~

294 (2) In the manner provided in subsection (1), political  
295 subdivisions shall adopt, administer, and enforce interim  
296 ~~airport land use compatibility zoning regulations shall be~~

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297 ~~adopted. Airport land use compatibility zoning regulations~~  
298 ~~shall, at a minimum, address When political subdivisions have~~  
299 ~~adopted land development regulations in accordance with the~~  
300 ~~provisions of chapter 163 which address the use of land in the~~  
301 ~~manner consistent with the provisions herein, adoption of~~  
302 ~~airport land use compatibility regulations pursuant to this~~  
303 ~~subsection shall not be required. Interim airport land use~~  
304 ~~compatibility zoning regulations shall consider the following:~~

305 (a) Prohibiting any new landfills and restricting any  
306 existing ~~Whether sanitary landfills are located~~ within the  
307 following areas:

308 1. Within 10,000 feet from the nearest point of any runway  
309 used or planned to be used by turbine ~~turbojet or turboprop~~  
310 aircraft.

311 2. Within 5,000 feet from the nearest point of any runway  
312 used only by nonturbine ~~piston-type~~ aircraft.

313 3. Outside the perimeters defined in subparagraphs 1. and  
314 2., but still within the lateral limits of the civil airport  
315 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25~~.  
316 Case-by-case review of such landfills is advised.

317 (b) Where ~~Whether~~ any landfill is located and constructed  
318 so that it attracts or sustains hazardous bird movements from  
319 feeding, water, or roosting areas into, or across, the runways  
320 or approach and departure patterns of aircraft. The operator of  
321 such a landfill must be required to ~~political subdivision shall~~  
322 ~~request from the airport authority or other governing body~~

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323 ~~operating the airport a report on such bird feeding or roosting~~  
324 ~~areas that at the time of the request are known to the airport.~~  
325 ~~In preparing its report, the authority, or other governing body,~~  
326 ~~shall consider whether the landfill will incorporate bird~~  
327 ~~management techniques or other practices to minimize bird~~  
328 ~~hazards to airborne aircraft. The airport authority or other~~  
329 ~~governing body shall respond to the political subdivision no~~  
330 ~~later than 30 days after receipt of such request.~~

331 (c) Where an airport authority or other governing body  
332 operating a ~~publicly owned,~~ public-use airport has conducted a  
333 noise study in accordance with ~~the provisions of 14 C.F.R. part~~  
334 150 or where a public-use airport owner has established noise  
335 contours pursuant to another public study approved by the Federal  
336 Aviation Administration. Noncompatible land uses, as established  
337 in the noise study under Appendix A to 14 C.F.R. part 150 or as a  
338 part of an alternative public study approved by the Federal  
339 Aviation Administration, are not permitted within the noise  
340 contours established by such study, except where such land use is  
341 specifically contemplated by such study with appropriate  
342 mitigation or similar techniques described in the study, neither  
343 ~~residential construction nor any educational facility as defined~~  
344 ~~in chapter 1013, with the exception of aviation school~~  
345 ~~facilities, shall be permitted within the area contiguous to the~~  
346 ~~airport defined by an outer noise contour that is considered~~  
347 ~~incompatible with that type of construction by 14 C.F.R. part~~

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348 ~~150, Appendix A or an equivalent noise level as established by~~  
349 ~~other types of noise studies.~~

350 (d) Where an airport authority or other governing body  
351 operating a ~~publicly owned,~~ public-use airport has not conducted  
352 a noise study, ~~neither Residential construction and nor any~~  
353 educational facility ~~as defined in chapter 1013,~~ with the  
354 exception of an aviation school facility facilities, are not  
355 ~~shall be~~ permitted within an area contiguous to the airport  
356 measuring one-half the length of the longest runway on either  
357 side of and at the end of each runway centerline.

358 (e)-(3) Restricting ~~In the manner provided in subsection~~  
359 ~~(1), airport zoning regulations shall be adopted which restrict~~  
360 new incompatible uses, activities, or substantial modifications  
361 to existing incompatible uses ~~construction~~ within runway  
362 protection ~~clear zones, including uses, activities, or~~  
363 ~~construction in runway clear zones which are incompatible with~~  
364 ~~normal airport operations or endanger public health, safety, and~~  
365 ~~welfare by resulting in congregations of people, emissions of~~  
366 ~~light or smoke, or attraction of birds. Such regulations shall~~  
367 ~~prohibit the construction of an educational facility of a public~~  
368 ~~or private school at either end of a runway of a publicly owned,~~  
369 ~~public-use airport within an area which extends 5 miles in a~~  
370 ~~direct line along the centerline of the runway, and which has a~~  
371 ~~width measuring one-half the length of the runway. Exceptions~~  
372 ~~approving construction of an educational facility within the~~  
373 ~~delineated area shall only be granted when the political~~

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374 ~~subdivision administering the zoning regulations makes specific~~  
375 ~~findings detailing how the public policy reasons for allowing~~  
376 ~~the construction outweigh health and safety concerns prohibiting~~  
377 ~~such a location.~~

378 ~~(4) The procedures outlined in subsections (1), (2), and~~  
379 ~~(3) for the adoption of such regulations are supplemental to any~~  
380 ~~existing procedures utilized by political subdivisions in the~~  
381 ~~adoption of such regulations.~~

382 ~~(3)(5) Political subdivisions shall provide The Department~~  
383 ~~of Transportation shall provide technical assistance to any~~  
384 ~~political subdivision requesting assistance in the preparation~~  
385 ~~of an airport zoning code. a copy of all local airport~~  
386 ~~protection zoning codes, rules, and regulations and airport land~~  
387 ~~use compatibility zoning regulations, together with any related~~  
388 ~~amendments, to the department's Aviation and Spaceports Office~~  
389 ~~within 30 days after adoption, and amendments and proposed and~~  
390 ~~granted variances thereto, shall be filed with the department.~~

391 ~~(4)(6) Nothing in Subsection (2) does not or subsection~~  
392 ~~(3) shall be construed to require the removal, alteration, sound~~  
393 ~~conditioning, or other change to, or ~~to~~ interfere with the~~  
394 ~~continued use or adjacent expansion of, any educational facility~~  
395 ~~structure or site in existence on July 1, 1993, or be construed~~  
396 ~~to prohibit the construction of any new structure for which a~~  
397 ~~site has been determined as provided in former s. 235.19, as of~~  
398 ~~July 1, 1993.~~

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399       (5) This section does not preclude an airport authority,  
400 political subdivision or its administrative agency, or other  
401 governing body operating a public-use airport from establishing  
402 airport zoning regulations more restrictive than prescribed in  
403 this section in order to protect the health, safety, and welfare  
404 of the public in the air and on the ground.

405       Section 4. Section 333.04, Florida Statutes, is amended to  
406 read:

407       333.04 Comprehensive plans or policies ~~zoning regulations;~~  
408 most stringent zoning regulations to prevail where conflicts  
409 occur.—

410       (1) INCORPORATION.—~~If In the event that~~ a political  
411 subdivision ~~has adopted, or hereafter adopts,~~ a comprehensive  
412 plan or policy that regulates zoning ordinance regulating, ~~among~~  
413 ~~other things,~~ the height of buildings, structures, and natural  
414 objects, ~~and uses of property,~~ any airport zoning regulations  
415 applicable to the same area or portion thereof may be  
416 incorporated in and made a part of such comprehensive plan or  
417 policy ~~zoning regulations,~~ and be administered and enforced in  
418 connection therewith.

419       (2) CONFLICT.—If there is a ~~In the event of~~ conflict  
420 between any airport zoning regulations adopted under this  
421 chapter and any other regulations applicable to the same area,  
422 whether the conflict be with respect to the height of structures  
423 or vegetation trees, the use of land, or any other matter, and  
424 whether such regulations were adopted by the political

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425 subdivision that ~~which~~ adopted the airport zoning regulations or  
426 by some other political subdivision, the more stringent  
427 limitation or requirement shall govern and prevail.

428 Section 5. Section 333.05, Florida Statutes, is amended to  
429 read:

430 333.05 Procedure for adoption of zoning regulations.-

431 (1) NOTICE AND HEARING.-~~No~~ Airport zoning regulations may  
432 not shall be adopted, amended, or repealed ~~changed~~ under this  
433 chapter except by action of the legislative body of the  
434 political subdivision or affected subdivisions in question, or  
435 the joint board provided for in s. 333.03(1)(b)2. ~~333.03(1)(b)~~  
436 ~~by the bodies therein provided and set forth~~, after a public  
437 hearing on the adoption, amendment, or repeal in relation  
438 ~~thereto~~, at which parties in interest and citizens shall have an  
439 opportunity to be heard. Notice of the hearing shall be  
440 published at least once a week for 2 consecutive weeks in a  
441 newspaper ~~an official paper, or a paper~~ of general circulation,  
442 in the political subdivision or subdivisions where in which ~~are~~  
443 ~~located~~ the airport zoning regulations are ~~areas~~ to be adopted,  
444 amended, or deleted ~~zoned~~.

445 (2) AIRPORT ZONING COMMISSION.-Before ~~Prior to~~ the initial  
446 zoning of any airport area under this chapter, the political  
447 subdivision or joint airport zoning board that which is to  
448 adopt, administer, and enforce the regulations shall appoint a  
449 commission, to be known as the airport zoning commission, to  
450 recommend the boundaries of the various zones to be established

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451 and the regulations to be adopted therefor. The ~~Such~~ commission  
452 shall make a preliminary report and hold public hearings on the  
453 preliminary report ~~thereon~~ before submitting its final report.7  
454 ~~and~~ The legislative body of the political subdivision or the  
455 joint airport zoning board may ~~shall~~ not hold ~~its~~ public  
456 hearings or take any action until it has received the final  
457 report of the ~~such~~ commission~~7~~, and at least 15 days have elapsed  
458 ~~shall elapse~~ between the receipt of the final report of the  
459 commission and the hearing to be held by the legislative body or  
460 the ~~latter~~ board. Where a planning city plan commission, airport  
461 commission, or comprehensive zoning commission already exists,  
462 it may be appointed as the airport zoning commission.

463 Section 6. Section 333.06, Florida Statutes, is amended to  
464 read:

465 333.06 Airport zoning regulation requirements.-

466 (1) REASONABLENESS.-All airport zoning regulations adopted  
467 under this chapter shall be reasonable and ~~none~~ shall not impose  
468 any requirement or restriction that ~~which~~ is not reasonably  
469 necessary to effectuate the purposes of this chapter. In  
470 determining what regulations it may adopt, each political  
471 subdivision and joint airport zoning board shall consider, among  
472 other things, the character of the flying operations expected to  
473 be conducted at the airport, the nature of the terrain within  
474 the airport hazard area and runway protection ~~clear~~ zones, the  
475 character of the neighborhood, the uses to which the property to  
476 be zoned is put and adaptable, and the impact of any new use,

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477 activity, or construction on the airport's operating capability  
478 and capacity.

479 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport  
480 zoning regulations adopted under this chapter is to provide ~~both~~  
481 airspace protection and land uses ~~use~~ compatible with airport  
482 operations. Each aspect of this purpose requires independent  
483 justification in order to promote the public interest in safety,  
484 health, and general welfare. Specifically, construction in a  
485 runway protection ~~clear~~ zone which does not exceed airspace  
486 height restrictions is not conclusive ~~evidence per se~~ that such  
487 use, activity, or construction is compatible with airport  
488 operations.

489 (3) NONCONFORMING USES.—~~No~~ Airport protection zoning  
490 regulations adopted under this chapter may not ~~shall~~ require the  
491 removal, lowering, or other change or alteration of any  
492 obstruction ~~structure or tree~~ not conforming to the regulations  
493 when adopted or amended, or otherwise interfere with the  
494 continuance of any nonconforming use, except as provided in s.  
495 333.07(1) and (3).

496 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED  
497 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by  
498 each public-use ~~publicly owned and operated~~ airport licensed by  
499 the department ~~of Transportation~~ under chapter 330. The  
500 authorized entity having responsibility for governing the  
501 operation of the airport, when ~~either~~ requesting from or  
502 submitting to a state or federal governmental agency with

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503 funding or approval jurisdiction a "finding of no significant  
504 impact," an environmental assessment, a site-selection study, an  
505 airport master plan, or any amendment to an airport master plan,  
506 shall submit simultaneously a copy of said request, submittal,  
507 assessment, study, plan, or amendments by certified mail to all  
508 affected local governments. For ~~the~~ purposes of this subsection,  
509 "affected local government" means ~~is defined as~~ any city or  
510 county having jurisdiction over the airport and any city or  
511 county located within 2 miles of the boundaries of the land  
512 subject to the airport master plan.

513 Section 7. Section 333.07, Florida Statutes, is amended to  
514 read:

515 333.07 Local government permitting of airspace  
516 obstructions ~~Permits and variances.~~—

517 (1) PERMITS.—

518 (a) A person proposing to construct, alter, or allow an  
519 airport obstruction in an airport hazard area in violation of  
520 the airport protection zoning regulations adopted under this  
521 chapter shall apply for a permit. ~~A Any airport zoning~~  
522 ~~regulations adopted under this chapter may require that a permit~~  
523 ~~be obtained before any new structure or use may be constructed~~  
524 ~~or established and before any existing use or structure may be~~  
525 ~~substantially changed or substantially altered or repaired. In~~  
526 ~~any event, however, all such regulations shall provide that~~  
527 ~~before any nonconforming structure or tree may be replaced,~~  
528 ~~substantially altered or repaired, rebuilt, allowed to grow~~

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529 ~~higher, or replanted, a permit must be secured from the~~  
530 ~~administrative agency authorized to administer and enforce the~~  
531 ~~regulations, authorizing such replacement, change, or repair. No~~  
532 ~~permit may not shall be issued granted that would allow the~~  
533 ~~establishment or creation of an airport hazard or that would~~  
534 ~~permit a nonconforming obstruction structure or tree or~~  
535 ~~nonconforming use to be made or become higher or to become a~~  
536 ~~greater hazard to air navigation than it was when the applicable~~  
537 ~~airport protection zoning regulation was adopted that allowed~~  
538 ~~the establishment or creation of the obstruction or than it is~~  
539 ~~when the application for a permit is made.~~

540 (b) Whenever the political subdivision or its  
541 administrative agency determines that a nonconforming  
542 obstruction use or nonconforming structure or tree has been  
543 abandoned or that is more than 80 percent of the obstruction is  
544 torn down, destroyed, deteriorated, or decayed, a ~~no~~ permit may  
545 not shall be granted that would allow the obstruction said  
546 structure or tree to exceed the applicable height limit or  
547 otherwise deviate from the airport protection zoning  
548 regulations.; ~~and, Regardless of whether an application is made~~  
549 ~~for a permit under this subsection or not, the said agency may~~  
550 ~~by appropriate action, compel the owner of the nonconforming~~  
551 ~~obstruction may be required structure or tree, at his or her own~~  
552 ~~expense, to lower, remove, reconstruct, alter, or equip such~~  
553 ~~obstruction object as may be necessary to conform to the current~~  
554 ~~airport protection zoning regulations. If the owner of the~~

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555 nonconforming obstruction fails or refuses ~~structure or tree~~  
556 ~~shall neglect or refuse~~ to comply with such requirement within  
557 ~~order for~~ 10 days after notice ~~thereof~~, the administrative ~~said~~  
558 agency may report the violation to the political subdivision  
559 involved therein, which subdivision, through its appropriate  
560 agency, may proceed to have the obstruction ~~object~~ so lowered,  
561 removed, reconstructed, altered, or equipped, and assess the  
562 cost and expense thereof upon the owner of the obstruction  
563 ~~object~~ or the land whereon it is or was located, ~~and, unless~~  
564 ~~such an assessment is paid within 90 days from the service of~~  
565 ~~notice thereof on the owner or the owner's agent, of such object~~  
566 ~~or land, the sum shall be a lien on said land, and shall bear~~  
567 ~~interest thereafter at the rate of 6 percent per annum until~~  
568 ~~paid, and shall be collected in the same manner as taxes on real~~  
569 ~~property are collected by said political subdivision, or, at the~~  
570 ~~option of said political subdivision, said lien may be enforced~~  
571 ~~in the manner provided for enforcement of liens by chapter 85.~~

572 ~~(c) Except as provided herein, applications for permits~~  
573 ~~shall be granted, provided the matter applied for meets the~~  
574 ~~provisions of this chapter and the regulations adopted and in~~  
575 ~~force hereunder.~~

576 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In  
577 determining whether to issue or deny a permit, the political  
578 subdivision or its administrative agency shall consider the  
579 following, as applicable:

580 (a) The safety of persons on the ground and in the air.

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581 (b) The safe and efficient use of navigable airspace.

582 (c) The nature of the terrain and height of existing  
583 structures.

584 (d) The effect of the construction or alteration on the  
585 state licensing standards for a public-use airport contained in  
586 chapter 330 and rules adopted thereunder.

587 (e) The character of existing and planned flight  
588 operations and developments at public-use airports.

589 (f) Federal airways, visual flight rules, flyways and  
590 corridors, and instrument approaches as designated by the  
591 Federal Aviation Administration.

592 (g) The effect of the construction or alteration of the  
593 proposed structure on the minimum descent altitude or the  
594 decision height at the affected airport.

595 (h) The cumulative effects on navigable airspace of all  
596 existing structures and all other known proposed structures in  
597 the area.

598 (i) Additional requirements adopted by the political  
599 subdivision or administrative agency pertinent to evaluation and  
600 protection of airspace and airport operations.

601 ~~(2) VARIANCES.—~~

602 ~~(a) Any person desiring to erect any structure, increase~~  
603 ~~the height of any structure, permit the growth of any tree, or~~  
604 ~~otherwise use his or her property in violation of the airport~~  
605 ~~zoning regulations adopted under this chapter or any land~~  
606 ~~development regulation adopted pursuant to the provisions of~~

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~~chapter 163 pertaining to airport land use compatibility, may  
apply to the board of adjustment for a variance from the zoning  
regulations in question. At the time of filing the application,  
the applicant shall forward to the department by certified mail,  
return receipt requested, a copy of the application. The  
department shall have 45 days from receipt of the application to  
comment and to provide its comments or waiver of that right to  
the applicant and the board of adjustment. The department shall  
include its explanation for any objections stated in its  
comments. If the department fails to provide its comments within  
45 days of receipt of the application, its right to comment is  
waived. The board of adjustment may proceed with its  
consideration of the application only upon the receipt of the  
department's comments or waiver of that right as demonstrated by  
the filing of a copy of the return receipt with the board.  
Noncompliance with this section shall be grounds to appeal  
pursuant to s. 333.08 and to apply for judicial relief pursuant  
to s. 333.11. Such variances may only be allowed where a literal  
application or enforcement of the regulations would result in  
practical difficulty or unnecessary hardship and where the  
relief granted would not be contrary to the public interest but  
would do substantial justice and be in accordance with the  
spirit of the regulations and this chapter. However, any  
variance may be allowed subject to any reasonable conditions  
that the board of adjustment may deem necessary to effectuate  
the purposes of this chapter.~~

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633 ~~(b) The Department of Transportation shall have the~~  
634 ~~authority to appeal any variance granted under this chapter~~  
635 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~  
636 ~~to s. 333.11.~~

637 (3) OBSTRUCTION MARKING AND LIGHTING.—

638 ~~(a) When issuing a~~ In granting any permit or variance  
639 under this section, the political subdivision or its  
640 administrative agency ~~or board of adjustment~~ shall require the  
641 owner of the obstruction structure or tree in question to  
642 install, operate, and maintain thereon, at the owner's his or  
643 her own expense, ~~such~~ marking and lighting in conformance with  
644 the specific standards established by the Federal Aviation  
645 Administration as may be necessary to indicate to aircraft  
646 pilots the presence of an obstruction.

647 ~~(b) Such marking and lighting shall conform to the~~  
648 ~~specific standards established by rule by the Department of~~  
649 ~~Transportation.~~

650 ~~(c) Existing structures not in compliance on October 1,~~  
651 ~~1988, shall be required to comply whenever the existing marking~~  
652 ~~requires refurbishment, whenever the existing lighting requires~~  
653 ~~replacement, or within 5 years of October 1, 1988, whichever~~  
654 ~~occurs first.~~

655 Section 8. Section 333.09, Florida Statutes, is amended to  
656 read:

657 333.09 Administration of airport zoning regulations.—

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658        (1) ADMINISTRATION.—All airport zoning regulations adopted  
659 under this chapter shall provide for the administration and  
660 enforcement of such regulations by the political subdivision or  
661 its ~~an administrative agency which may be an agency created by~~  
662 ~~such regulations or any official, board, or other existing~~  
663 ~~agency of the political subdivision adopting the regulations or~~  
664 ~~of one of the political subdivisions which participated in the~~  
665 ~~creation of the joint airport zoning board adopting the~~  
666 ~~regulations, if satisfactory to that political subdivision, but~~  
667 ~~in no case shall such administrative agency be or include any~~  
668 ~~member of the board of adjustment.~~ The duties of an any  
669 administrative agency designated pursuant to this chapter shall  
670 include ~~that of~~ hearing and deciding all permits under s. 333.07  
671 ~~333.07(1), deciding all matters under s. 333.07(3),~~ as they  
672 pertain to such agency, and all other matters under this chapter  
673 applying to such said agency, but such agency shall not have or  
674 exercise any of the powers herein delegated to the board of  
675 adjustment.

676        (2) LOCAL GOVERNMENT PROCESS.—

677        (a) A political subdivision required to adopt airport  
678 zoning regulations under this chapter shall provide a process to:

679        1. Issue or deny permits consistent with s. 333.07.

680        2. Provide the department with a copy of a complete  
681 application consistent with s. 333.025(4).

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682 3. Enforce the issuance or denial of a permit or other  
683 determination made by the administrative agency with respect to  
684 airport zoning regulations.

685 (b) If a zoning board or permitting body already exists  
686 within a political subdivision, the zoning board or permitting  
687 body may implement the airport zoning regulation permitting and  
688 appeals processes.

689 (3) APPEALS.—

690 (a) A person, a political subdivision or its administrative  
691 agency, or a joint airport zoning board that contends that a  
692 decision made by a political subdivision or its administrative  
693 agency is an improper application of airport zoning regulations  
694 may use the process established for an appeal.

695 (b) All appeals taken under this section must be taken  
696 within a reasonable time, as provided by the political  
697 subdivision or its administrative agency, by filing with the  
698 entity from which appeal is taken a notice of appeal specifying  
699 the grounds for appeal.

700 (c) An appeal shall stay all proceedings in the underlying  
701 action appealed from, unless the entity from which the appeal is  
702 taken certifies, pursuant to the rules for appeal, that by reason  
703 of the facts stated in the certificate a stay would, in its  
704 opinion, cause imminent peril to life or property. In such cases,  
705 proceedings shall not be stayed except by order of the political  
706 subdivision or its administrative agency on notice to the entity  
707 from which the appeal is taken and for good cause shown.

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708        (d) The political subdivision or its administrative agency  
709 shall set a reasonable time for the hearing of appeals, give  
710 public notice and due notice to the parties in interest, and  
711 decide the issue within a reasonable time. Upon the hearing, any  
712 party may appear in person, by agent, or by attorney.

713        (e) The political subdivision or its administrative agency  
714 may, in conformity with this chapter, affirm, reverse, or modify  
715 the decision on the permit or other determination from which the  
716 appeal is taken.

717        Section 9. Section 333.11, Florida Statutes, is amended to  
718 read:

719        333.11 Judicial review.—

720        (1) ~~A Any person, aggrieved, or taxpayer affected, by any~~  
721 ~~decision of a board of adjustment, or any governing body of a~~  
722 ~~political subdivision, or the Department of Transportation or~~  
723 ~~any joint airport zoning board affected by a decision of a~~  
724 ~~political subdivision, or its of any administrative agency~~  
725 ~~hereunder,~~ may apply for judicial relief to the circuit court in  
726 the judicial circuit where the political subdivision board of  
727 ~~adjustment~~ is located within 30 days after rendition of the  
728 decision ~~by the board of adjustment~~. Review shall be by petition  
729 for writ of certiorari, which shall be governed by the Florida  
730 Rules of Appellate Procedure.

731        ~~(2) Upon presentation of such petition to the court, it~~  
732 ~~may allow a writ of certiorari, directed to the board of~~  
733 ~~adjustment, to review such decision of the board. The allowance~~

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734 ~~of the writ shall not stay the proceedings upon the decision~~  
735 ~~appealed from, but the court may, on application, on notice to~~  
736 ~~the board, on due hearing and due cause shown, grant a~~  
737 ~~restraining order.~~

738 ~~(3) The board of adjustment shall not be required to~~  
739 ~~return the original papers acted upon by it, but it shall be~~  
740 ~~sufficient to return certified or sworn copies thereof or of~~  
741 ~~such portions thereof as may be called for by the writ. The~~  
742 ~~return shall concisely set forth such other facts as may be~~  
743 ~~pertinent and material to show the grounds of the decision~~  
744 ~~appealed from and shall be verified.~~

745 ~~(2)-(4) The court has shall have exclusive jurisdiction to~~  
746 ~~affirm, reverse, or modify, or set aside the decision on the~~  
747 ~~permit or other determination from which the appeal is taken~~  
748 ~~brought up for review, in whole or in part, and, if appropriate~~  
749 ~~need be, to order further proceedings by the political~~  
750 ~~subdivision or its administrative agency board of adjustment.~~  
751 ~~The findings of fact by the political subdivision or its~~  
752 ~~administrative agency board, if supported by substantial~~  
753 ~~evidence, shall be accepted by the court as conclusive, and an~~  
754 ~~no objection to a decision of the political subdivision or its~~  
755 ~~administrative agency may not board shall be considered by the~~  
756 ~~court unless such objection was raised in the underlying~~  
757 ~~proceeding shall have been urged before the board, or, if it was~~  
758 ~~not so urged, unless there were reasonable grounds for failure~~  
759 ~~to do so.~~

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760        ~~(3)~~~~(5)~~ In any case in which airport zoning regulations  
761 adopted under this chapter, ~~although generally reasonable,~~ are  
762 held by a court to interfere with the use and enjoyment of a  
763 particular structure or parcel of land to such an extent, or to  
764 be so onerous in their application to such a structure or parcel  
765 of land, as to constitute a taking or deprivation of that  
766 property in violation of the State Constitution or the  
767 Constitution of the United States, such holding shall not affect  
768 the application of such regulations to other structures and  
769 parcels of land, or such regulations as are not involved in the  
770 particular decision.

771        ~~(4)~~~~(6)~~ A judicial ~~no~~ appeal to any court may not ~~shall~~ be  
772 ~~or is~~ permitted under this section until the appellant has  
773 exhausted all of its remedies through application for local  
774 government permits, exceptions, and appeals, ~~to any courts, as~~  
775 ~~herein provided, save and except an appeal from a decision of~~  
776 ~~the board of adjustment, the appeal herein provided being from~~  
777 ~~such final decision of such board only, the appellant being~~  
778 ~~hereby required to exhaust his or her remedies hereunder of~~  
779 ~~application for permits, exceptions and variances, and appeal to~~  
780 ~~the board of adjustment, and gaining a determination by said~~  
781 ~~board, before being permitted to appeal to the court hereunder.~~

782        Section 10. Section 333.12, Florida Statutes, is amended  
783 to read:

784        333.12 Acquisition of air rights. ~~-If In any case which: it~~  
785 ~~is desired to remove, lower or otherwise terminate a~~

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786 nonconforming obstruction is determined to be an airport hazard  
787 and the owner will not remove, lower, or otherwise eliminate it  
788 ~~structure or use; if~~ or the approach protection necessary  
789 cannot, because of constitutional limitations, be provided by  
790 airport regulations under this chapter; or if it appears  
791 advisable that the necessary approach protection be provided by  
792 acquisition of property rights rather than by airport zoning  
793 regulations, the political subdivision within which the property  
794 or nonconforming obstruction ~~use~~ is located, or the political  
795 subdivision owning or operating the airport or being served by  
796 it, may acquire ~~7~~ by purchase, grant, or condemnation in the  
797 manner provided by chapter 73 ~~7~~ such property, air right,  
798 avigation ~~navigation~~ easement, or other estate, portion, or  
799 interest in the property or nonconforming obstruction ~~structure~~  
800 ~~or use~~ or such interest in the air above such property, ~~tree,~~  
801 ~~structure, or use, in question,~~ as may be necessary to  
802 effectuate the purposes of this chapter, and ~~in so doing,~~ if by  
803 condemnation, may ~~to have the right to~~ take immediate possession  
804 of the property, interest in property, air right, or other right  
805 sought to be condemned, at the time, ~~and~~ in the manner and form,  
806 and as authorized by chapter 74. If the political subdivision  
807 acquires any ~~In the case of the purchase of any property, or any~~  
808 easement, or estate or interest therein by purchase or ~~the~~  
809 ~~acquisition of the same~~ by the power of eminent domain, the  
810 political subdivision ~~making such purchase or exercising such~~  
811 ~~power~~ shall, in addition to the damages for the taking, injury,

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812 or destruction of property, ~~also~~ pay the cost of the removal and  
813 relocation of any structure or any public utility that must  
814 ~~which is required to~~ be moved to a new location.

815 Section 11. Section 333.13, Florida Statutes, is amended  
816 to read:

817 333.13 Enforcement and remedies.-

818 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport  
819 zoning regulations, orders, or rulings adopted ~~promulgated~~ or  
820 made under ~~pursuant to~~ this chapter is ~~shall constitute~~ a  
821 misdemeanor of the second degree, punishable as provided in s.  
822 775.082 or s. 775.083, and each day a violation continues to  
823 exist constitutes ~~shall constitute~~ a separate offense.

824 (2) In addition, the political subdivision or agency  
825 adopting the airport zoning regulations under this chapter may  
826 institute in any court of competent jurisdiction an action to  
827 prevent, restrain, correct, or abate a ~~any~~ violation of this  
828 chapter, any ~~or of~~ airport zoning regulations adopted under this  
829 chapter, or ~~of~~ any order or ruling made in connection with their  
830 administration or enforcement, and the court shall adjudge to  
831 the plaintiff such relief, by way of injunction (which may be  
832 mandatory) or otherwise, as may be proper under all the facts  
833 and circumstances of the case in order to fully effectuate the  
834 purposes of this chapter and of the regulations adopted and  
835 orders and rulings made pursuant thereto.

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836 (3) The department ~~of Transportation~~ may institute a civil  
837 action for injunctive relief in the appropriate circuit court to  
838 prevent violation of ~~any provision of~~ this chapter.

839 Section 12. Section 333.135, Florida Statutes, is created  
840 to read:

841 333.135 Transition provisions.-

842 (1) For those political subdivisions that have not adopted  
843 airport zoning regulations pursuant to this chapter, the  
844 department shall administer the permitting process as provided in  
845 s. 333.025.

846 (2) By July 1, 2017:

847 (a) Any airport zoning regulation in effect on July 1,  
848 2016, that includes provisions in conflict with this chapter  
849 shall be amended to conform to the requirements of this chapter.

850 (b) Any political subdivision having an airport within its  
851 territorial limits which has not adopted airport zoning  
852 regulations shall adopt airport zoning regulations consistent  
853 with this chapter.

854 Section 13. Sections 333.065, 333.08, 333.10, and 333.14,  
855 Florida Statutes, are repealed.

856 Section 14. For the purpose of incorporating the amendment  
857 made by this act to section 333.01, Florida Statutes, in a  
858 reference thereto, subsection (6) of section 350.81, Florida  
859 Statutes, is reenacted to read:

860 350.81 Communications services offered by governmental  
861 entities.-

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862 (6) To ensure the safe and secure transportation of  
863 passengers and freight through an airport facility, as defined  
864 in s. 159.27(17), an airport authority or other governmental  
865 entity that provides or is proposing to provide communications  
866 services only within the boundaries of its airport layout plan,  
867 as defined in s. 333.01(6), to subscribers which are integral  
868 and essential to the safe and secure transportation of  
869 passengers and freight through the airport facility, is exempt  
870 from this section. An airport authority or other governmental  
871 entity that provides or is proposing to provide shared-tenant  
872 service under s. 364.339, but not dial tone enabling subscribers  
873 to complete calls outside the airport layout plan, to one or  
874 more subscribers within its airport layout plan which are not  
875 integral and essential to the safe and secure transportation of  
876 passengers and freight through the airport facility is exempt  
877 from this section. An airport authority or other governmental  
878 entity that provides or is proposing to provide communications  
879 services to one or more subscribers within its airport layout  
880 plan which are not integral and essential to the safe and secure  
881 transportation of passengers and freight through the airport  
882 facility, or to one or more subscribers outside its airport  
883 layout plan, is not exempt from this section. By way of example  
884 and not limitation, the integral, essential subscribers may  
885 include airlines and emergency service entities, and the  
886 nonintegral, nonessential subscribers may include retail shops,  
887 restaurants, hotels, or rental car companies.

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888 Section 15. This act shall take effect July 1, 2016.

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891

**T I T L E A M E N D M E N T**

892

Remove everything before the enacting clause and insert:

893

An act relating to the Airport Zoning Law of 1945; amending s.

894

333.01, F.S.; revising and providing definitions; amending s.

895

333.025, F.S.; revising requirements for a permit to construct

896

or alter an obstruction; revising procedures for issuing such

897

permit; revising duties of the Department of Transportation

898

relating to issuance of the permit; providing for administrative

899

review of a denial of a permit; amending s. 333.03, F.S.;

900

revising requirements and procedures for certain local political

901

subdivisions to adopt and enforce airport zoning regulations;

902

directing the department to provide assistance to political

903

subdivisions with regard to federal obstruction standards;

904

providing minimum requirements for airport land use

905

compatibility zoning regulations; directing political

906

subdivisions to provide the department with copies of airport

907

protection zoning regulations and airport land use compatibility

908

zoning regulations; providing applicability and effect; amending

909

s. 333.04, F.S.; revising provisions for incorporation of zoning

910

regulations with a political subdivision's comprehensive

911

regulations; revising provisions for a conflict between airport

912

zoning regulations and other regulations; amending s. 333.05,

913

F.S.; revising procedure for adoption of zoning regulations;

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914 revising provisions relating to an airport zoning commission;  
915 amending s. 333.06, F.S.; revising airport zoning regulation  
916 requirements; revising requirements for adoption of an airport  
917 master plan and amendments thereto; amending s. 333.07, F.S.;  
918 requiring a permit to construct, alter, or allow an airport  
919 obstruction in an airport hazard area under certain  
920 circumstances; providing conditions for issuance or denial of  
921 such permit; revising provisions to compel conformance; removing  
922 provisions for obtaining a variance to zoning regulations;  
923 removing reference to a board of adjustment; revising provisions  
924 directing a political subdivision to require an owner to install  
925 and maintain certain lighting or marking of obstructions;  
926 amending s. 333.09, F.S.; revising requirements for  
927 administration of airport protection zoning regulations;  
928 requiring the political subdivision to provide a process for  
929 permitting, notifications to the department, and enforcement;  
930 providing for appeal of decisions made by the political  
931 subdivision; amending s. 333.11, F.S.; revising provisions for  
932 judicial review of decisions by a political subdivision;  
933 revising jurisdiction of the court relating to decisions of the  
934 political subdivision; removing reference to a board of  
935 adjustment; requiring certain procedures before an appeal to a  
936 court; amending s. 333.12, F.S.; revising provisions for  
937 acquisition of property when a nonconforming obstruction is  
938 determined to be an airport hazard; amending s. 333.13, F.S.;  
939 revising penalty provisions; creating s. 333.135, F.S.;

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940 providing a timeframe for compliance by political subdivisions;  
941 repealing ss. 333.065, 333.08, 333.10, and 333.14, F.S.,  
942 relating to guidelines regarding land use near airports,  
943 appeals, boards of adjustment, and a short title; reenacting s.  
944 350.81(6), F.S., relating to communications services offered by  
945 governmental entities, to incorporate the amendment made by the  
946 act to s. 333.01, F.S., in a reference thereto; providing an  
947 effective date.

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