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1
2 An act relating to the Airport Zoning Law of 1945;
3 amending s. 333.01, F.S.; revising and providing
4 definitions; amending s. 333.025, F.S.; revising
5 requirements for a permit to construct or alter an
6 obstruction; revising procedures for issuing such
7 permit; revising duties of the Department of
8 Transportation relating to issuance of the permit;
9 providing for administrative review of a denial of a
10 permit; amending s. 333.03, F.S.; revising
11 requirements and procedures for certain local
12 political subdivisions to adopt and enforce airport
13 zoning regulations; directing the department to
14 provide assistance to political subdivisions with
15 regard to federal obstruction standards; providing
16 minimum requirements for airport land use
17 compatibility zoning regulations; directing political
18 subdivisions to provide the department with copies of
19 airport protection zoning regulations and airport land
20 use compatibility zoning regulations; providing
21 applicability and effect; amending s. 333.04, F.S.;
22 revising provisions for incorporation of zoning
23 regulations with a political subdivision's
24 comprehensive regulations; revising provisions for a
25 conflict between airport zoning regulations and other
26 regulations; amending s. 333.05, F.S.; revising
27 procedure for adoption of zoning regulations; revising
28 provisions relating to an airport zoning commission;
29 amending s. 333.06, F.S.; revising airport zoning

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30 regulation requirements; revising requirements for
31 adoption of an airport master plan and amendments
32 thereto; amending s. 333.07, F.S.; requiring a permit
33 to construct, alter, or allow an airport obstruction
34 in an airport hazard area under certain circumstances;
35 providing conditions for issuance or denial of such
36 permit; revising provisions to compel conformance;
37 removing provisions for obtaining a variance to zoning
38 regulations; removing reference to a board of
39 adjustment; revising provisions directing a political
40 subdivision to require an owner to install and
41 maintain certain lighting or marking of obstructions;
42 amending s. 333.09, F.S.; revising requirements for
43 administration of airport protection zoning
44 regulations; requiring the political subdivision to
45 provide a process for permitting, notifications to the
46 department, and enforcement; providing for appeal of
47 decisions made by the political subdivision; amending
48 s. 333.11, F.S.; revising provisions for judicial
49 review of decisions by a political subdivision;
50 revising jurisdiction of the court relating to
51 decisions of the political subdivision; removing
52 reference to a board of adjustment; requiring certain
53 procedures before an appeal to a court; amending s.
54 333.12, F.S.; revising provisions for acquisition of
55 property when a nonconforming obstruction is
56 determined to be an airport hazard; amending s.
57 333.13, F.S.; revising penalty provisions; creating s.
58 333.135, F.S.; providing a timeframe for compliance by

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59 political subdivisions; repealing ss. 333.065, 333.08,
60 333.10, and 333.14, F.S., relating to guidelines
61 regarding land use near airports, appeals, boards of
62 adjustment, and a short title; reenacting s.
63 350.81(6), F.S., relating to communications services
64 offered by governmental entities, to incorporate the
65 amendment made by the act to s. 333.01, F.S., in a
66 reference thereto; providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Section 333.01, Florida Statutes, is amended to
71 read:

72 333.01 Definitions.—~~As used in~~ ~~For the purpose of this~~
73 ~~chapter, the term following words, terms, and phrases shall have~~
74 ~~the meanings herein given, unless otherwise specifically~~
75 ~~defined, or unless another intention clearly appears, or the~~
76 ~~context otherwise requires:~~

77 (1) "Aeronautical study" means a Federal Aviation
78 Administration study, conducted in accordance with the standards
79 of 14 C.F.R. part 77, subpart C, and Federal Aviation
80 Administration policy and guidance, on the effect of proposed
81 construction or alteration on the operation of air navigation
82 facilities and the safe and efficient use of navigable airspace
83 ~~"Aeronautics" means transportation by aircraft; the operation,~~
84 ~~construction, repair, or maintenance of aircraft, aircraft power~~
85 ~~plants and accessories, including the repair, packing, and~~
86 ~~maintenance of parachutes; the design, establishment,~~
87 ~~construction, extension, operation, improvement, repair, or~~

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88 ~~maintenance of airports, restricted landing areas, or other air~~
89 ~~navigation facilities, and air instruction.~~

90 (2) "Airport" means any area of land or water designed and
91 set aside for the landing and taking off of aircraft and
92 utilized or to be utilized in the interest of the public for
93 such purpose.

94 (3) "Airport hazard" means an obstruction to air navigation
95 that affects the safe and efficient use of navigable airspace or
96 the operation of planned or existing air navigation and
97 communication facilities ~~any structure or tree or use of land~~
98 ~~which would exceed the federal obstruction standards as~~
99 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
100 ~~and which obstructs the airspace required for the flight of~~
101 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
102 ~~hazardous to such taking off, maneuvering, or landing of~~
103 ~~aircraft and for which no person has previously obtained a~~
104 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

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

108 (5) "Airport land use compatibility zoning" means airport
109 zoning regulations governing ~~restricting~~ the use of land on,
110 adjacent to, or in the immediate vicinity of airports ~~in the~~
111 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
112 ~~compatible with the continuation of normal airport operations~~
113 ~~including landing and takeoff of aircraft in order to promote~~
114 ~~public health, safety, and general welfare.~~

115 (6) "Airport layout plan" means a set of scaled drawings
116 that provides a graphic representation of the existing and

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117 future development plan for the airport and demonstrates the
118 preservation and continuity of safety, utility, and efficiency
119 of the airport detailed, scale engineering drawing, including
120 pertinent dimensions, of an airport's current and planned
121 facilities, their locations, and runway usage.

122 (7) "Airport master plan" means a comprehensive plan of an
123 airport which typically describes current and future plans for
124 airport development designed to support existing and future
125 aviation demand.

126 (8) "Airport protection zoning regulations" means airport
127 zoning regulations governing airport hazards.

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

129 (10) "Educational facility" means any structure, land, or
130 use thereof that includes a public or private K-12 school,
131 charter school, magnet school, college campus, or university
132 campus. The term does not include space used for educational
133 purposes within a multi-tenant building.

134 (11) "Landfill" has the same meaning as provided in s.
135 403.703.

136 (12) ~~(7)~~ "Obstruction" means any object of natural growth or
137 terrain, or permanent or temporary construction or alteration,
138 including equipment or materials used and any permanent or
139 temporary apparatus, or alteration of any permanent or temporary
140 existing structure by a change in its height, including
141 appurtenances, or lateral dimensions, including equipment or
142 material used therein, existing or proposed, which exceeds
143 manmade object or object of natural growth or terrain that
144 violates the federal obstruction standards contained in 14
145 C.F.R. part 77, subpart C ss. 77.21, 77.23, 77.25, 77.28, and

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146 77.29.

147 ~~(13)(8)~~ "Person" means any individual, firm, copartnership,
148 corporation, company, association, joint-stock association, or
149 body politic, and includes any trustee, receiver, assignee, or
150 other similar representative thereof.

151 ~~(14)(9)~~ "Political subdivision" means the local government
152 of any county, city, town, village, or other subdivision or
153 agency thereof, or any district or special district, port
154 commission, port authority, or other such agency authorized to
155 establish or operate airports in the state.

156 ~~(15)~~ "Public-use airport" means an airport, publicly or
157 privately owned, licensed by the state, which is open for use by
158 the public.

159 ~~(16)(10)~~ "Runway protection clear zone" means an area at
160 ground level beyond the runway end to enhance the safety and
161 protection of people and property on the ground ~~a runway clear~~
162 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

163 ~~(17)(11)~~ "Structure" means any object, ~~constructed,~~
164 erected, altered, or installed ~~by humans,~~ including, ~~but~~ without
165 limitation ~~thereof,~~ buildings, towers, smokestacks, utility
166 poles, power generation equipment, and overhead transmission
167 lines.

168 ~~(18)~~ "Substantial modification" means any repair,
169 reconstruction, rehabilitation, or improvement of a structure
170 the actual cost of which equals or exceeds 50 percent of the
171 market value of the structure.

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

173 Section 2. Section 333.025, Florida Statutes, is amended to
174 read:

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175 333.025 Permit required for obstructions ~~structures~~
176 ~~exceeding federal obstruction standards.~~

177 (1) A person proposing the construction or alteration of an
178 obstruction shall obtain a permit from the department ~~In order~~
179 ~~to prevent the erection of structures dangerous to air~~
180 ~~navigation, subject to the provisions of subsections (2), (3),~~
181 ~~and (4), each person shall secure from the Department of~~
182 ~~Transportation a permit for the erection, alteration, or~~
183 ~~modification of any structure the result of which would exceed~~
184 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~
185 ~~77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the~~
186 ~~department~~ are of Transportation ~~will be~~ required only within an
187 airport hazard area where federal obstruction standards are
188 exceeded and if the proposed construction or alteration is
189 within a 10-nautical-mile radius of the airport reference point,
190 located at the approximate geometric ~~geographical~~ center of all
191 usable runways of a public-use airport or a publicly owned or
192 operated airport, a military airport, ~~or an airport licensed by~~
193 ~~the state for public use.~~

194 (2) Existing, planned, and proposed ~~Affected airports will~~
195 ~~be considered as having these facilities~~ on public-use airports
196 contained in an ~~which are shown on the~~ airport master plan, on
197 ~~or~~ an airport layout plan submitted to the Federal Aviation
198 Administration ~~Airport District Office,~~ or in comparable
199 military documents shall, ~~and will be~~ ~~so~~ protected from airport
200 hazards. ~~Planned or proposed public-use airports which are the~~
201 ~~subject of a notice or proposal submitted to the Federal~~
202 ~~Aviation Administration or to the Department of Transportation~~
203 ~~shall also be protected.~~

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204 (3) A permit is not required for existing structures that
205 requirements of subsection (1) shall not apply to projects which
206 received construction permits from the Federal Communications
207 Commission for structures exceeding federal obstruction
208 standards before prior to May 20, 1975, and a permit is not
209 required for provided such structures now exist; nor shall it
210 apply to previously approved structures now existing, or any
211 necessary replacement or repairs to such existing structures
212 provided, so long as the height and location are is unchanged.

213 (4) When political subdivisions have, in compliance with
214 this chapter, adopted adequate airport airspace protection
215 zoning regulations, placed in compliance with s. 333.03, and
216 such regulations are on file with the department's Aviation and
217 Spaceports Office Department of Transportation, and established
218 a permitting process, a permit for such structure is shall not
219 be required from the department of Transportation. Upon receipt
220 of a complete permit application, the local government shall
221 provide a copy of the application to the department's Aviation
222 and Spaceports Office by certified mail, return receipt
223 requested, or by delivery service that provides a receipt
224 evidencing delivery. To evaluate technical consistency with this
225 subsection, the department has a 15-day review period following
226 receipt of the application, which runs concurrently with the
227 local government permitting process. Cranes, construction
228 equipment, and other temporary structures in use or in place for
229 a period not to exceed 18 consecutive months are exempt from
230 department review unless such review is requested by the
231 department.

232 (5) The department ~~of Transportation~~ shall, within 30 days

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233 ~~after of the~~ receipt of an application for a permit, issue or
234 deny a permit for the construction or erection, alteration, ~~or~~
235 ~~modification~~ of an obstruction. The department shall review
236 permit applications in conformity with s. 120.60 ~~any structure~~
237 ~~the result of which would exceed federal obstruction standards~~
238 ~~as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and~~
239 ~~77.29.~~

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

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

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

244 (c) ~~(a)~~ The nature of the terrain and height of existing
245 structures.

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

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

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

252 (f) ~~(d)~~ Federal airways, visual flight rules, flyways and
253 corridors, and instrument approaches as designated by the
254 Federal Aviation Administration.

255 (g) ~~(e)~~ The effect of whether the construction or alteration
256 of an obstruction on of the proposed structure would cause an
257 increase in the minimum descent altitude or the decision height
258 at the affected airport.

259 ~~(f) Technological advances.~~

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

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

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

263 ~~(h)(j)~~ The cumulative effects on navigable airspace of all
264 existing obstructions ~~structures, proposed structures identified~~
265 ~~in the applicable jurisdictions' comprehensive plans,~~ and all
266 other known proposed obstructions ~~structures~~ in the area.

267 (7) When issuing a permit under this section, the
268 department ~~of Transportation~~ shall, ~~as a specific condition of~~
269 ~~such permit,~~ require the owner of the obstruction to install,
270 operate, and maintain thereon, at the owner's expense, marking
271 and lighting in conformance with the specific standards
272 established by the Federal Aviation Administration ~~of the~~
273 ~~permitted structure as provided in s. 333.07(3)(b).~~

274 (8) The department ~~may~~ ~~of Transportation~~ shall not approve
275 a permit for the construction or alteration of an obstruction
276 ~~erection of a structure~~ unless the applicant submits both
277 documentation showing compliance with the federal requirement
278 for notification of proposed construction or alteration and a
279 valid aeronautical study. ~~A evaluation, and no permit may not~~
280 ~~shall~~ be approved solely because the Federal Aviation
281 Administration determines that the proposed obstruction is not
282 an airport hazard ~~on the basis that such proposed structure will~~
283 ~~not exceed federal obstruction standards as contained in 14~~
284 ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other~~
285 ~~federal aviation regulation.~~

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

288 Section 3. Section 333.03, Florida Statutes, is amended to
289 read:

290 333.03 ~~Power to adopt~~ Airport protection zoning

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291 regulations.—

292 (1) (a) ~~In order to prevent the creation or establishment of~~
293 ~~airport hazards,~~ Every political subdivision having an airport
294 hazard area within its territorial limits shall, ~~by October 1,~~
295 ~~1977,~~ adopt, administer, and enforce, under the police power and
296 in the manner and upon the conditions ~~hereinafter~~ prescribed in
297 this section, airport protection zoning regulations for such
298 airport hazard area.

299 (b) When ~~where~~ an airport is owned or controlled by a
300 political subdivision and any other political subdivision has
301 land upon which an obstruction may be constructed or altered,
302 which land underlies any of the surfaces of the airport
303 described in 14 C.F.R. part 77, subpart C, the political
304 subdivisions ~~airport hazard area appertaining to such airport is~~
305 ~~located wholly or partly outside the territorial limits of said~~
306 ~~political subdivision, the political subdivision owning or~~
307 ~~controlling the airport and the political subdivision within~~
308 ~~which the airport hazard area is located,~~ shall either:

309 1. By interlocal agreement, ~~in accordance with the~~
310 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
311 of airport protection zoning regulations ~~applicable to the~~
312 ~~airport hazard area in question; or~~

313 2. By ordinance, regulation, or resolution ~~duly adopted,~~
314 create a joint airport protection zoning board ~~that,~~ ~~which board~~
315 ~~shall have the same power to~~ adopt, administer, and enforce a
316 set of airport protection zoning regulations ~~applicable to the~~
317 ~~airport hazard area in question as that vested in paragraph (a)~~
318 ~~in the political subdivision within which such area is located.~~

319 The ~~Each such~~ joint airport protection zoning board shall have

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320 as voting members two representatives appointed by each
321 participating political subdivision ~~participating in its~~
322 ~~creation and in addition~~ a chair elected by a majority of the
323 members ~~se~~ appointed. ~~However,~~ The airport manager or a
324 representative of each airport in ~~managers of the participating~~
325 ~~affected~~ political subdivisions shall serve on the board in a
326 nonvoting capacity.

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

329 1. A permit ~~variance~~ for the construction or erection,
330 ~~alteration, or modification~~ of any obstruction ~~structure which~~
331 ~~would cause the structure to exceed the federal obstruction~~
332 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
333 ~~77.28, and 77.29;~~

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

336 3. Documentation showing compliance with the federal
337 requirement for notification of proposed construction or
338 alteration of structures and a valid aeronautical study
339 ~~evaluation~~ submitted by each person applying for a permit
340 ~~variance;~~

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

343 5. That a permit may not ~~no variance shall~~ be approved
344 solely because the Federal Aviation Administration determines
345 that the proposed obstruction is not an airport hazard ~~on the~~
346 ~~basis that such proposed structure will not exceed federal~~
347 ~~obstruction standards as contained in 14 C.F.R. ss. 77.21,~~
348 ~~77.23, 77.25, 77.28, or 77.29, or any other federal aviation~~

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349 ~~regulation.~~

350 (d) The department shall be available to provide assistance
351 to political subdivisions with regard to ~~issue copies of the~~
352 ~~federal obstruction standards as contained in 14 C.F.R. ss.~~
353 ~~77.21, 77.23, 77.25, 77.28, and 77.29 to each political~~
354 ~~subdivision having airport hazard areas and, in cooperation with~~
355 ~~political subdivisions, shall issue appropriate airport zoning~~
356 ~~maps depicting within each county the maximum allowable height~~
357 ~~of any structure or tree. Material distributed pursuant to this~~
358 ~~subsection shall be at no cost to authorized recipients.~~

359 (2) In the manner provided in subsection (1), political
360 subdivisions shall adopt, administer, and enforce ~~interim~~
361 ~~airport land use compatibility zoning regulations shall be~~
362 ~~adopted. Airport land use compatibility zoning regulations~~
363 shall, at a minimum, address ~~When political subdivisions have~~
364 ~~adopted land development regulations in accordance with the~~
365 ~~provisions of chapter 163 which address the use of land in the~~
366 ~~manner consistent with the provisions herein, adoption of~~
367 ~~airport land use compatibility regulations pursuant to this~~
368 ~~subsection shall not be required. Interim airport land use~~
369 ~~compatibility zoning regulations shall consider the following:~~

370 (a) Prohibiting any new landfills and restricting any
371 existing ~~whether sanitary~~ landfills are located within the
372 following areas:

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

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

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

382 (b) Where ~~Whether~~ any landfill is located and constructed
383 so that it attracts or sustains hazardous bird movements from
384 feeding, water, or roosting areas into, or across, the runways
385 or approach and departure patterns of aircraft. The operator of
386 such a landfill must be required to ~~political subdivision shall~~
387 ~~request from the airport authority or other governing body~~
388 ~~operating the airport a report on such bird feeding or roosting~~
389 ~~areas that at the time of the request are known to the airport.~~
390 ~~In preparing its report, the authority, or other governing body,~~
391 ~~shall consider whether the landfill will incorporate bird~~
392 ~~management techniques or other practices to minimize bird~~
393 ~~hazards to airborne aircraft. The airport authority or other~~
394 ~~governing body shall respond to the political subdivision no~~
395 ~~later than 30 days after receipt of such request.~~

396 (c) Where an airport authority or other governing body
397 operating a ~~publicly owned,~~ public-use airport has conducted a
398 noise study in accordance with ~~the provisions of~~ 14 C.F.R. part
399 150 or where a public-use airport owner has established noise
400 contours pursuant to another public study approved by the
401 Federal Aviation Administration. Noncompatible land uses, as
402 established in the noise study under Appendix A to 14 C.F.R.
403 part 150 or as a part of an alternative public study approved by
404 the Federal Aviation Administration, are not permitted within
405 the noise contours established by such study, except where such
406 land use is specifically contemplated by such study with

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407 appropriate mitigation or similar techniques described in the
408 study, ~~neither residential construction nor any educational~~
409 ~~facility as defined in chapter 1013, with the exception of~~
410 ~~aviation school facilities, shall be permitted within the area~~
411 ~~contiguous to the airport defined by an outer noise contour that~~
412 ~~is considered incompatible with that type of construction by 14~~
413 ~~C.F.R. part 150, Appendix A or an equivalent noise level as~~
414 ~~established by other types of noise studies.~~

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

423 (e)-(3) Restricting ~~In the manner provided in subsection~~
424 ~~(1), airport zoning regulations shall be adopted which restrict~~
425 ~~new incompatible uses, activities, or~~ substantial modifications
426 to existing incompatible uses ~~construction within runway~~
427 protection ~~clear zones, including uses, activities, or~~
428 ~~construction in runway clear zones which are incompatible with~~
429 ~~normal airport operations or endanger public health, safety, and~~
430 ~~welfare by resulting in congregations of people, emissions of~~
431 ~~light or smoke, or attraction of birds. Such regulations shall~~
432 ~~prohibit the construction of an educational facility of a public~~
433 ~~or private school at either end of a runway of a publicly owned,~~
434 ~~public-use airport within an area which extends 5 miles in a~~
435 ~~direct line along the centerline of the runway, and which has a~~

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436 ~~width measuring one half the length of the runway. Exceptions~~
437 ~~approving construction of an educational facility within the~~
438 ~~delineated area shall only be granted when the political~~
439 ~~subdivision administering the zoning regulations makes specific~~
440 ~~findings detailing how the public policy reasons for allowing~~
441 ~~the construction outweigh health and safety concerns prohibiting~~
442 ~~such a location.~~

443 ~~(4) The procedures outlined in subsections (1), (2), and~~
444 ~~(3) for the adoption of such regulations are supplemental to any~~
445 ~~existing procedures utilized by political subdivisions in the~~
446 ~~adoption of such regulations.~~

447 ~~(3)-(5) Political subdivisions shall provide The Department~~
448 ~~of Transportation shall provide technical assistance to any~~
449 ~~political subdivision requesting assistance in the preparation~~
450 ~~of an airport zoning code. a copy of all local airport~~
451 ~~protection zoning codes, rules, and regulations and airport land~~
452 ~~use compatibility zoning regulations, together with any related~~
453 ~~amendments, to the department's Aviation and Spaceports Office~~
454 ~~within 30 days after adoption, and amendments and proposed and~~
455 ~~granted variances thereto, shall be filed with the department.~~

456 ~~(4)-(6) Nothing in Subsection (2) does not or subsection (3)~~
457 ~~shall be construed to require the removal, alteration, sound~~
458 ~~conditioning, or other change to, or ~~to~~ interfere with the~~
459 ~~continued use or adjacent expansion of, any educational facility~~
460 ~~structure or site in existence on July 1, 1993, or be construed~~
461 ~~to prohibit the construction of any new structure for which a~~
462 ~~site has been determined as provided in former s. 235.19, as of~~
463 ~~July 1, 1993.~~

464 ~~(5) This section does not preclude an airport authority,~~

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465 political subdivision or its administrative agency, or other
466 governing body operating a public-use airport from establishing
467 airport zoning regulations more restrictive than prescribed in
468 this section in order to protect the health, safety, and welfare
469 of the public in the air and on the ground.

470 Section 4. Section 333.04, Florida Statutes, is amended to
471 read:

472 333.04 Comprehensive plans or policies ~~zoning regulations;~~
473 most stringent zoning regulations to prevail where conflicts
474 occur.-

475 (1) INCORPORATION.-~~If In the event that~~ a political
476 subdivision ~~has adopted, or hereafter adopts,~~ a comprehensive
477 plan or policy that regulates ~~zoning ordinance regulating, among~~
478 ~~other things,~~ the height of buildings, structures, and natural
479 objects~~,~~ and uses of property, any airport zoning regulations
480 applicable to the same area or portion thereof may be
481 incorporated in and made a part of such comprehensive plan or
482 policy ~~zoning regulations,~~ and be administered and enforced in
483 connection therewith.

484 (2) CONFLICT.-If there is a ~~In the event of~~ conflict
485 between any airport zoning regulations adopted under this
486 chapter and any other regulations applicable to the same area,
487 whether the conflict be with respect to the height of structures
488 or vegetation ~~trees,~~ the use of land, or any other matter, and
489 whether such regulations were adopted by the political
490 subdivision that ~~which~~ adopted the airport zoning regulations or
491 by some other political subdivision, the more stringent
492 limitation or requirement shall govern and prevail.

493 Section 5. Section 333.05, Florida Statutes, is amended to

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494 read:

495 333.05 Procedure for adoption of zoning regulations.—

496 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
497 not shall be adopted, amended, or repealed ~~changed~~ under this
498 chapter except by action of the legislative body of the
499 political subdivision or affected subdivisions ~~in question~~, or
500 the joint board provided for in s. 333.03(1)(b)2. ~~333.03(1)(b)~~
501 ~~by the bodies therein provided and set forth~~, after a public
502 hearing on the adoption, amendment, or repeal ~~in relation~~
503 ~~thereto~~, at which parties in interest and citizens shall have an
504 opportunity to be heard. Notice of the hearing shall be
505 published at least once a week for 2 consecutive weeks in a
506 newspaper ~~an official paper, or a paper~~ of general circulation,
507 in the political subdivision or subdivisions where ~~in which~~ are
508 ~~located~~ the airport zoning regulations ~~areas~~ to be adopted,
509 amended, or deleted ~~zoned~~.

510 (2) AIRPORT ZONING COMMISSION.—~~Before~~ Prior to the initial
511 zoning of any airport area under this chapter, the political
512 subdivision or joint airport zoning board that ~~which~~ is to
513 adopt, administer, and enforce the regulations shall appoint a
514 commission, to be known as the airport zoning commission, to
515 recommend the boundaries of the various zones to be established
516 and the regulations to be adopted therefor. The ~~Such~~ commission
517 shall make a preliminary report and hold public hearings on the
518 preliminary report ~~thereon~~ before submitting its final report.7
519 ~~and~~ The legislative body of the political subdivision or the
520 joint airport zoning board may ~~shall~~ not hold ~~its~~ public
521 hearings or take any action until it has received the final
522 report of the ~~such~~ commission, and at least 15 days have elapsed

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523 ~~shall elapse~~ between the receipt of the final report of the
524 commission and the hearing to be held by the legislative body or
525 the latter board. Where a planning city plan commission, airport
526 commission, or comprehensive zoning commission already exists,
527 it may be appointed as the airport zoning commission.

528 Section 6. Section 333.06, Florida Statutes, is amended to
529 read:

530 333.06 Airport zoning regulation requirements.—

531 (1) REASONABLENESS.—All airport zoning regulations adopted
532 under this chapter shall be reasonable and ~~none~~ shall not impose
533 any requirement or restriction that ~~which~~ is not reasonably
534 necessary to effectuate the purposes of this chapter. In
535 determining what regulations it may adopt, each political
536 subdivision and joint airport zoning board shall consider, among
537 other things, the character of the flying operations expected to
538 be conducted at the airport, the nature of the terrain within
539 the airport hazard area and runway protection ~~clear~~ zones, the
540 character of the neighborhood, the uses to which the property to
541 be zoned is put and adaptable, and the impact of any new use,
542 activity, or construction on the airport's operating capability
543 and capacity.

544 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
545 zoning regulations adopted under this chapter is to provide ~~both~~
546 airspace protection and land uses ~~use~~ compatible with airport
547 operations. Each aspect of this purpose requires independent
548 justification in order to promote the public interest in safety,
549 health, and general welfare. Specifically, construction in a
550 runway protection ~~clear~~ zone which does not exceed airspace
551 height restrictions is not conclusive ~~evidence per se~~ that such

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552 use, activity, or construction is compatible with airport
553 operations.

554 (3) NONCONFORMING USES.—~~No~~ Airport protection zoning
555 regulations adopted under this chapter may not ~~shall~~ require the
556 removal, lowering, or other change or alteration of any
557 obstruction structure or tree not conforming to the regulations
558 when adopted or amended, or otherwise interfere with the
559 continuance of any nonconforming use, except as provided in s.
560 333.07(1) and (3).

561 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
562 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
563 each public-use ~~publicly owned and operated~~ airport licensed by
564 the department ~~of Transportation~~ under chapter 330. The
565 authorized entity having responsibility for governing the
566 operation of the airport, when ~~either~~ requesting from or
567 submitting to a state or federal governmental agency with
568 funding or approval jurisdiction a “finding of no significant
569 impact,” an environmental assessment, a site-selection study, an
570 airport master plan, or any amendment to an airport master plan,
571 shall submit simultaneously a copy of said request, submittal,
572 assessment, study, plan, or amendments by certified mail to all
573 affected local governments. For ~~the~~ purposes of this subsection,
574 “affected local government” means ~~is defined as~~ any city or
575 county having jurisdiction over the airport and any city or
576 county located within 2 miles of the boundaries of the land
577 subject to the airport master plan.

578 Section 7. Section 333.07, Florida Statutes, is amended to
579 read:

580 333.07 Local government permitting of airspace obstructions

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581 ~~Permits and variances.-~~

582 (1) PERMITS.-

583 (a) A person proposing to construct, alter, or allow an
584 airport obstruction in an airport hazard area in violation of
585 the airport protection zoning regulations adopted under this
586 chapter shall apply for a permit. A ~~Any airport zoning~~
587 ~~regulations adopted under this chapter may require that a permit~~
588 ~~be obtained before any new structure or use may be constructed~~
589 ~~or established and before any existing use or structure may be~~
590 ~~substantially changed or substantially altered or repaired. In~~
591 ~~any event, however, all such regulations shall provide that~~
592 ~~before any nonconforming structure or tree may be replaced,~~
593 ~~substantially altered or repaired, rebuilt, allowed to grow~~
594 ~~higher, or replanted, a permit must be secured from the~~
595 ~~administrative agency authorized to administer and enforce the~~
596 ~~regulations, authorizing such replacement, change, or repair. No~~
597 ~~permit~~ may not shall be issued granted that would allow the
598 establishment or creation of an airport hazard or that would
599 permit a nonconforming obstruction structure or tree or
600 ~~nonconforming use to be made or become higher or to become a~~
601 ~~greater hazard to air navigation than it was when the applicable~~
602 airport protection zoning regulation was adopted that allowed
603 the establishment or creation of the obstruction or than it is
604 when the application for a permit is made.

605 (b) Whenever the political subdivision or its
606 administrative agency determines that a nonconforming
607 obstruction use or nonconforming structure or tree has been
608 abandoned or that is more than 80 percent of the obstruction is
609 torn down, destroyed, deteriorated, or decayed, a ~~no~~ permit may

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610 ~~not shall~~ be granted that would allow the obstruction ~~said~~
611 ~~structure or tree~~ to exceed the applicable height limit or
612 otherwise deviate from the airport protection zoning
613 regulations. ~~and,~~ Regardless of whether an application is made
614 for a permit under this subsection ~~or not,~~ ~~the said agency may~~
615 ~~by appropriate action, compel~~ the owner of the nonconforming
616 obstruction may be required ~~structure or tree,~~ at his or her own
617 expense, to lower, remove, reconstruct, alter, or equip such
618 obstruction ~~object~~ as ~~may be~~ necessary to conform to the current
619 airport protection zoning regulations. If the owner of the
620 nonconforming obstruction fails or refuses ~~structure or tree~~
621 ~~shall neglect or refuse~~ to comply with such requirement within
622 ~~order for~~ 10 days after notice ~~thereof,~~ the administrative ~~said~~
623 agency may report the violation to the political subdivision
624 involved therein, which subdivision, through its appropriate
625 agency, may proceed to have the obstruction ~~object~~ so lowered,
626 removed, reconstructed, altered, or equipped, ~~and~~ assess the
627 cost and expense thereof upon the owner of the obstruction
628 ~~object~~ or the land whereon it is or was located, ~~and, unless~~
629 ~~such an assessment is paid within 90 days from the service of~~
630 ~~notice thereof on the owner or the owner's agent, of such object~~
631 ~~or land, the sum shall be a lien on said land, and shall bear~~
632 ~~interest thereafter at the rate of 6 percent per annum until~~
633 ~~paid, and shall be collected in the same manner as taxes on real~~
634 ~~property are collected by said political subdivision, or, at the~~
635 ~~option of said political subdivision, said lien may be enforced~~
636 ~~in the manner provided for enforcement of liens by chapter 85.~~

637 (c) ~~Except as provided herein, applications for permits~~
638 ~~shall be granted, provided the matter applied for meets the~~

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639 ~~provisions of this chapter and the regulations adopted and in~~
640 ~~force hereunder.~~

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

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

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

647 (c) The nature of the terrain and height of existing
648 structures.

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

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

654 (f) Federal airways, visual flight rules, flyways and
655 corridors, and instrument approaches as designated by the
656 Federal Aviation Administration.

657 (g) The effect of the construction or alteration of the
658 proposed structure on the minimum descent altitude or the
659 decision height at the affected airport.

660 (h) The cumulative effects on navigable airspace of all
661 existing structures and all other known proposed structures in
662 the area.

663 (i) Additional requirements adopted by the political
664 subdivision or administrative agency pertinent to evaluation and
665 protection of airspace and airport operations.

666 ~~(2) VARIANCES.—~~

667 ~~(a) Any person desiring to erect any structure, increase~~

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668 ~~the height of any structure, permit the growth of any tree, or~~
669 ~~otherwise use his or her property in violation of the airport~~
670 ~~zoning regulations adopted under this chapter or any land~~
671 ~~development regulation adopted pursuant to the provisions of~~
672 ~~chapter 163 pertaining to airport land use compatibility, may~~
673 ~~apply to the board of adjustment for a variance from the zoning~~
674 ~~regulations in question. At the time of filing the application,~~
675 ~~the applicant shall forward to the department by certified mail,~~
676 ~~return receipt requested, a copy of the application. The~~
677 ~~department shall have 45 days from receipt of the application to~~
678 ~~comment and to provide its comments or waiver of that right to~~
679 ~~the applicant and the board of adjustment. The department shall~~
680 ~~include its explanation for any objections stated in its~~
681 ~~comments. If the department fails to provide its comments within~~
682 ~~45 days of receipt of the application, its right to comment is~~
683 ~~waived. The board of adjustment may proceed with its~~
684 ~~consideration of the application only upon the receipt of the~~
685 ~~department's comments or waiver of that right as demonstrated by~~
686 ~~the filing of a copy of the return receipt with the board.~~
687 ~~Noncompliance with this section shall be grounds to appeal~~
688 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
689 ~~to s. 333.11. Such variances may only be allowed where a literal~~
690 ~~application or enforcement of the regulations would result in~~
691 ~~practical difficulty or unnecessary hardship and where the~~
692 ~~relief granted would not be contrary to the public interest but~~
693 ~~would do substantial justice and be in accordance with the~~
694 ~~spirit of the regulations and this chapter. However, any~~
695 ~~variance may be allowed subject to any reasonable conditions~~
696 ~~that the board of adjustment may deem necessary to effectuate~~

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697 ~~the purposes of this chapter.~~

698 ~~(b) The Department of Transportation shall have the~~
699 ~~authority to appeal any variance granted under this chapter~~
700 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
701 ~~to s. 333.11.~~

702 (3) OBSTRUCTION MARKING AND LIGHTING.—

703 ~~(a) When issuing a~~ In granting any permit or variance under
704 this section, the political subdivision or its administrative
705 ~~agency or board of adjustment~~ shall require the owner of the
706 obstruction structure or tree in question to install, operate,
707 and maintain thereon, at the owner's ~~his or her own~~ expense,
708 ~~such~~ marking and lighting in conformance with the specific
709 standards established by the Federal Aviation Administration as
710 ~~may be necessary to indicate to aircraft pilots the presence of~~
711 ~~an obstruction.~~

712 ~~(b) Such marking and lighting shall conform to the specific~~
713 ~~standards established by rule by the Department of~~
714 ~~Transportation.~~

715 ~~(c) Existing structures not in compliance on October 1,~~
716 ~~1988, shall be required to comply whenever the existing marking~~
717 ~~requires refurbishment, whenever the existing lighting requires~~
718 ~~replacement, or within 5 years of October 1, 1988, whichever~~
719 ~~occurs first.~~

720 Section 8. Section 333.09, Florida Statutes, is amended to
721 read:

722 333.09 Administration of airport zoning regulations.—

723 (1) ADMINISTRATION.—All airport zoning regulations adopted
724 under this chapter shall provide for the administration and
725 enforcement of such regulations by the political subdivision or

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726 ~~its an administrative agency which may be an agency created by~~
727 ~~such regulations or any official, board, or other existing~~
728 ~~agency of the political subdivision adopting the regulations or~~
729 ~~of one of the political subdivisions which participated in the~~
730 ~~creation of the joint airport zoning board adopting the~~
731 ~~regulations, if satisfactory to that political subdivision, but~~
732 ~~in no case shall such administrative agency be or include any~~
733 ~~member of the board of adjustment. The duties of an any~~
734 ~~administrative agency designated pursuant to this chapter shall~~
735 ~~include that of hearing and deciding all permits under s. 333.07~~
736 ~~333.07(1), deciding all matters under s. 333.07(3), as they~~
737 ~~pertain to such agency, and all other matters under this chapter~~
738 ~~applying to such said agency, but such agency shall not have or~~
739 ~~exercise any of the powers herein delegated to the board of~~
740 ~~adjustment.~~

741 (2) LOCAL GOVERNMENT PROCESS.—

742 (a) A political subdivision required to adopt airport
743 zoning regulations under this chapter shall provide a process
744 to:

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

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

748 3. Enforce the issuance or denial of a permit or other
749 determination made by the administrative agency with respect to
750 airport zoning regulations.

751 (b) If a zoning board or permitting body already exists
752 within a political subdivision, the zoning board or permitting
753 body may implement the airport zoning regulation permitting and
754 appeals processes.

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755 (3) APPEALS.—

756 (a) A person, a political subdivision or its administrative
757 agency, or a joint airport zoning board that contends that a
758 decision made by a political subdivision or its administrative
759 agency is an improper application of airport zoning regulations
760 may use the process established for an appeal.

761 (b) All appeals taken under this section must be taken
762 within a reasonable time, as provided by the political
763 subdivision or its administrative agency, by filing with the
764 entity from which appeal is taken a notice of appeal specifying
765 the grounds for appeal.

766 (c) An appeal shall stay all proceedings in the underlying
767 action appealed from, unless the entity from which the appeal is
768 taken certifies, pursuant to the rules for appeal, that by
769 reason of the facts stated in the certificate a stay would, in
770 its opinion, cause imminent peril to life or property. In such
771 cases, proceedings shall not be stayed except by order of the
772 political subdivision or its administrative agency on notice to
773 the entity from which the appeal is taken and for good cause
774 shown.

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

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

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784 Section 9. Section 333.11, Florida Statutes, is amended to
785 read:

786 333.11 Judicial review.—

787 (1) A ~~Any person,~~ ~~aggrieved,~~ ~~or taxpayer affected,~~ ~~by any~~
788 ~~decision of a board of adjustment, or any governing body of a~~
789 ~~political subdivision, or the Department of Transportation or~~
790 ~~any joint airport zoning board~~ affected by a decision of a
791 political subdivision, ~~or its~~ ~~of any~~ administrative agency
792 hereunder, may apply for judicial relief to the circuit court in
793 the judicial circuit where the political subdivision ~~board of~~
794 ~~adjustment~~ is located within 30 days after rendition of the
795 decision ~~by the board of adjustment~~. Review shall be by petition
796 for writ of certiorari, which shall be governed by the Florida
797 Rules of Appellate Procedure.

798 ~~(2) Upon presentation of such petition to the court, it may~~
799 ~~allow a writ of certiorari, directed to the board of adjustment,~~
800 ~~to review such decision of the board. The allowance of the writ~~
801 ~~shall not stay the proceedings upon the decision appealed from,~~
802 ~~but the court may, on application, on notice to the board, on~~
803 ~~due hearing and due cause shown, grant a restraining order.~~

804 ~~(3) The board of adjustment shall not be required to return~~
805 ~~the original papers acted upon by it, but it shall be sufficient~~
806 ~~to return certified or sworn copies thereof or of such portions~~
807 ~~thereof as may be called for by the writ. The return shall~~
808 ~~concisely set forth such other facts as may be pertinent and~~
809 ~~material to show the grounds of the decision appealed from and~~
810 ~~shall be verified.~~

811 ~~(2)(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
812 affirm, reverse, or modify, ~~or set aside~~ the decision on the

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813 permit or other determination from which the appeal is taken
814 ~~brought up for review, in whole or in part, and, if appropriate~~
815 ~~need be, to order further proceedings by the political~~
816 ~~subdivision or its administrative agency board of adjustment.~~
817 The findings of fact by the political subdivision or its
818 administrative agency board, if supported by substantial
819 evidence, shall be accepted by the court as conclusive, and an
820 ~~no~~ objection to a decision of the political subdivision or its
821 administrative agency may not board shall be considered by the
822 court unless such objection was raised in the underlying
823 proceeding shall have been urged before the board, or, if it was
824 ~~not so urged, unless there were reasonable grounds for failure~~
825 ~~to do so.~~

826 (3)-(5) In any case in which airport zoning regulations
827 adopted under this chapter, ~~although generally reasonable,~~ are
828 held by a court to interfere with the use and enjoyment of a
829 particular structure or parcel of land to such an extent, or to
830 be so onerous in their application to such a structure or parcel
831 of land, as to constitute a taking or deprivation of that
832 property in violation of the State Constitution or the
833 Constitution of the United States, such holding shall not affect
834 the application of such regulations to other structures and
835 parcels of land, or such regulations as are not involved in the
836 particular decision.

837 (4)-(6) A judicial ~~no~~ appeal to any court may not shall be
838 ~~or is~~ permitted under this section until the appellant has
839 exhausted all of its remedies through application for local
840 government permits, exceptions, and appeals, to any courts, as
841 ~~herein provided, save and except an appeal from a decision of~~

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842 ~~the board of adjustment, the appeal herein provided being from~~
843 ~~such final decision of such board only, the appellant being~~
844 ~~hereby required to exhaust his or her remedies hereunder of~~
845 ~~application for permits, exceptions and variances, and appeal to~~
846 ~~the board of adjustment, and gaining a determination by said~~
847 ~~board, before being permitted to appeal to the court hereunder.~~

848 Section 10. Section 333.12, Florida Statutes, is amended to
849 read:

850 333.12 Acquisition of air rights. ~~If In any case which: it~~
851 ~~is desired to remove, lower or otherwise terminate a~~
852 ~~nonconforming obstruction is determined to be an airport hazard~~
853 ~~and the owner will not remove, lower, or otherwise eliminate it~~
854 ~~structure or use; if ~~or~~ the approach protection necessary~~
855 ~~cannot, because of constitutional limitations, be provided by~~
856 ~~airport regulations under this chapter; or if it appears~~
857 ~~advisable that the necessary approach protection be provided by~~
858 ~~acquisition of property rights rather than by airport zoning~~
859 ~~regulations, the political subdivision within which the property~~
860 ~~or nonconforming obstruction ~~use~~ is located, or the political~~
861 ~~subdivision owning or operating the airport or being served by~~
862 ~~it, may acquire, by purchase, grant, or condemnation in the~~
863 ~~manner provided by chapter 73, such property, air right,~~
864 ~~avigation ~~navigation~~ easement, or other estate, portion, or~~
865 ~~interest in the property or nonconforming obstruction ~~structure~~~~
866 ~~~~or use~~ or such interest in the air above such property, ~~tree~~,~~
867 ~~structure, or use, in question, as may be necessary to~~
868 ~~effectuate the purposes of this chapter, and ~~in so doing~~, if by~~
869 ~~condemnation, may ~~to have the right to~~ take immediate possession~~
870 ~~of the property, interest in property, air right, or other right~~

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871 sought to be condemned, at the time, ~~and~~ in the manner and form,
872 and as authorized by chapter 74. If the political subdivision
873 acquires any ~~In the case of the purchase of any property, or any~~
874 ~~easement,~~ or estate or interest therein by purchase or ~~the~~
875 ~~acquisition of the same~~ by the power of eminent domain, the
876 political subdivision ~~making such purchase or exercising such~~
877 ~~power~~ shall, in addition to the damages for the taking, injury,
878 or destruction of property, also pay the cost of the removal and
879 relocation of any structure or any public utility that must
880 ~~which is required to~~ be moved to a new location.

881 Section 11. Section 333.13, Florida Statutes, is amended to
882 read:

883 333.13 Enforcement and remedies.—

884 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport
885 zoning regulations, orders, or rulings adopted ~~promulgated~~ or
886 made under ~~pursuant to~~ this chapter is ~~shall constitute~~ a
887 misdemeanor of the second degree, punishable as provided in s.
888 775.082 or s. 775.083, and each day a violation continues to
889 exist constitutes ~~shall constitute~~ a separate offense.

890 (2) In addition, the political subdivision or agency
891 adopting the airport zoning regulations under this chapter may
892 institute in any court of competent jurisdiction an action to
893 prevent, restrain, correct, or abate a ~~any~~ violation of this
894 chapter, any ~~or of~~ airport zoning regulations adopted under this
895 chapter, or ~~of~~ any order or ruling made in connection with their
896 administration or enforcement, and the court shall adjudge to
897 the plaintiff such relief, by way of injunction (which may be
898 mandatory) or otherwise, as may be proper under all the facts
899 and circumstances of the case in order to fully effectuate the

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900 purposes of this chapter and of the regulations adopted and
901 orders and rulings made pursuant thereto.

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

905 Section 12. Section 333.135, Florida Statutes, is created
906 to read:

907 333.135 Transition provisions.-

908 (1) For those political subdivisions that have not adopted
909 airport zoning regulations pursuant to this chapter, the
910 department shall administer the permitting process as provided
911 in s. 333.025.

912 (2) By July 1, 2017:

913 (a) Any airport zoning regulation in effect on July 1,
914 2016, that includes provisions in conflict with this chapter
915 shall be amended to conform to the requirements of this chapter.

916 (b) Any political subdivision having an airport within its
917 territorial limits which has not adopted airport zoning
918 regulations shall adopt airport zoning regulations consistent
919 with this chapter.

920 Section 13. Sections 333.065, 333.08, 333.10, and 333.14,
921 Florida Statutes, are repealed.

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

926 350.81 Communications services offered by governmental
927 entities.-

928 (6) To ensure the safe and secure transportation of

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929 passengers and freight through an airport facility, as defined
930 in s. 159.27(17), an airport authority or other governmental
931 entity that provides or is proposing to provide communications
932 services only within the boundaries of its airport layout plan,
933 as defined in s. 333.01(6), to subscribers which are integral
934 and essential to the safe and secure transportation of
935 passengers and freight through the airport facility, is exempt
936 from this section. An airport authority or other governmental
937 entity that provides or is proposing to provide shared-tenant
938 service under s. 364.339, but not dial tone enabling subscribers
939 to complete calls outside the airport layout plan, to one or
940 more subscribers within its airport layout plan which are not
941 integral and essential to the safe and secure transportation of
942 passengers and freight through the airport facility is exempt
943 from this section. An airport authority or other governmental
944 entity that provides or is proposing to provide communications
945 services to one or more subscribers within its airport layout
946 plan which are not integral and essential to the safe and secure
947 transportation of passengers and freight through the airport
948 facility, or to one or more subscribers outside its airport
949 layout plan, is not exempt from this section. By way of example
950 and not limitation, the integral, essential subscribers may
951 include airlines and emergency service entities, and the
952 nonintegral, nonessential subscribers may include retail shops,
953 restaurants, hotels, or rental car companies.

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