

1 A bill to be entitled
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
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
 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~~
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
95 navigation that affects the safe and efficient use of navigable
96 airspace or the operation of planned or existing air navigation
97 and communication facilities ~~any structure or tree or use of~~
98 ~~land 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
 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
 137 or terrain, or permanent or temporary construction or
 138 alteration, including equipment or materials used and any
 139 permanent or temporary apparatus, or alteration of any permanent
 140 or temporary existing structure by a change in its height,
 141 including appurtenances, or lateral dimensions, including
 142 equipment or material used therein, existing or proposed, which
 143 exceeds manmade object or object of natural growth or terrain
 144 that 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
 146 77.29.

147 (13)(8) "Person" means any individual, firm,
 148 copartnership, corporation, company, association, joint-stock
 149 association, or body politic, and includes any trustee,
 150 receiver, assignee, or 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
174 to read:

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

177 (1) A person proposing the construction or alteration of
178 an obstruction shall obtain a permit from the department ~~in~~
179 ~~order 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.~~

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
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) ~~(c)~~ 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 Federal
 254 Aviation Administration.

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

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

287 to 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
 291 regulations.-

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

350 (d) The department shall be available to provide
 351 assistance to political subdivisions with regard to ~~issue copies~~
 352 ~~of the federal obstruction standards as contained in 14 C.F.R.~~
 353 ~~ss. 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.

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 Federal
401 Aviation Administration. Noncompatible land uses, as established
402 in the noise study under Appendix A to 14 C.F.R. part 150 or as a
403 part of an alternative public study approved by the Federal
404 Aviation Administration, are not permitted within the noise
405 contours established by such study, except where such land use is
406 specifically contemplated by such study with appropriate
407 mitigation or similar techniques described in the study, ~~neither~~
408 ~~residential construction nor any educational facility as defined~~
409 ~~in chapter 1013, with the exception of aviation school~~
410 ~~facilities, shall be permitted within the area contiguous to the~~
411 ~~airport defined by an outer noise contour that is considered~~
412 ~~incompatible with that type of construction by 14 C.F.R. part~~
413 ~~150, Appendix A or an equivalent noise level as established by~~
414 ~~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~~
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
 457 ~~(3) 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,
 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
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 are ~~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
 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
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
 581 obstructions ~~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
 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~~
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
653 operations 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~~
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~~
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
 704 under this section, the political subdivision or its
 705 administrative agency ~~or board of adjustment~~ shall require the
 706 owner of the obstruction ~~structure or tree in question~~ to
 707 install, operate, and maintain thereon, at the owner's ~~his or~~
 708 ~~her own~~ expense, ~~such~~ marking and lighting in conformance with
 709 the specific standards established by the Federal Aviation
 710 Administration ~~as may be necessary to indicate to aircraft~~
 711 ~~pilots the presence of an obstruction.~~

712 ~~(b) Such marking and lighting shall conform to the~~
 713 ~~specific 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
 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 to:

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

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

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

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

754 (3) APPEALS.—

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

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

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

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

778 (e) The political subdivision or its administrative agency
779 may, in conformity with this chapter, affirm, reverse, or modify
780 the decision on the permit or other determination from which the

781 appeal is taken.

782 Section 9. Section 333.11, Florida Statutes, is amended to
783 read:

784 333.11 Judicial review.—

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

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

803 ~~(3) The board of adjustment shall not be required to~~
804 ~~return the original papers acted upon by it, but it shall be~~
805 ~~sufficient to return certified or sworn copies thereof or of~~
806 ~~such portions thereof as may be called for by the writ. The~~

807 ~~return shall concisely set forth such other facts as may be~~
 808 ~~pertinent and material to show the grounds of the decision~~
 809 ~~appealed from and shall be verified.~~

810 (2)~~(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
 811 affirm, reverse, or modify, ~~or set aside~~ the decision on the
 812 permit or other determination from which the appeal is taken
 813 ~~brought up for review, in whole or in part,~~ and, if appropriate
 814 ~~need be,~~ to order further proceedings by the political
 815 subdivision or its administrative agency board of adjustment.
 816 The findings of fact by the political subdivision or its
 817 administrative agency board, if supported by substantial
 818 evidence, shall be accepted by the court as conclusive, and an
 819 ~~no~~ objection to a decision of the political subdivision or its
 820 administrative agency may not board shall be considered by the
 821 court unless such objection was raised in the underlying
 822 proceeding ~~shall have been urged before the board, or, if it was~~
 823 ~~not so urged, unless there were reasonable grounds for failure~~
 824 ~~to do so.~~

825 (3)~~(5)~~ In any case in which airport zoning regulations
 826 adopted under this chapter, ~~although generally reasonable,~~ are
 827 held by a court to interfere with the use and enjoyment of a
 828 particular structure or parcel of land to such an extent, or to
 829 be so onerous in their application to such a structure or parcel
 830 of land, as to constitute a taking or deprivation of that
 831 property in violation of the State Constitution or the
 832 Constitution of the United States, such holding shall not affect

833 the application of such regulations to other structures and
834 parcels of land, or such regulations as are not involved in the
835 particular decision.

836 ~~(4)(6)~~ A judicial ~~Ne~~ appeal to any court may not ~~shall~~ be
837 ~~or is~~ permitted under this section until the appellant has
838 exhausted all of its remedies through application for local
839 government permits, exceptions, and appeals, ~~to any courts, as~~
840 ~~herein provided, save and except an appeal from a decision of~~
841 ~~the board of adjustment, the appeal herein provided being from~~
842 ~~such final decision of such board only, the appellant being~~
843 ~~hereby required to exhaust his or her remedies hereunder of~~
844 ~~application for permits, exceptions and variances, and appeal to~~
845 ~~the board of adjustment, and gaining a determination by said~~
846 ~~board, before being permitted to appeal to the court hereunder.~~

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

849 333.12 Acquisition of air rights. ~~-If In any case which: it~~
850 ~~is desired to remove, lower or otherwise terminate a~~
851 nonconforming obstruction is determined to be an airport hazard
852 and the owner will not remove, lower, or otherwise eliminate it
853 ~~structure or use; if~~ or the approach protection necessary
854 cannot, because of constitutional limitations, be provided by
855 airport regulations under this chapter; or if it appears
856 advisable that the necessary approach protection be provided by
857 acquisition of property rights rather than by airport zoning
858 regulations, the political subdivision within which the property

859 or nonconforming obstruction ~~use~~ is located, or the political
 860 subdivision owning or operating the airport or being served by
 861 it, may acquire~~7~~ by purchase, grant, or condemnation in the
 862 manner provided by chapter 73~~7~~ such property, air right,
 863 avigation ~~navigation~~ easement, or other estate, portion, or
 864 interest in the property or nonconforming obstruction ~~structure~~
 865 ~~or use~~ or such interest in the air above such property~~7~~, ~~tree~~,
 866 ~~structure, or use, in question~~, as may be necessary to
 867 effectuate the purposes of this chapter, and ~~in so doing~~, if by
 868 condemnation, may ~~to have the right to~~ take immediate possession
 869 of the property, interest in property, air right, or other right
 870 sought to be condemned, at the time, ~~and~~ in the manner and form,
 871 and as authorized by chapter 74. If the political subdivision
 872 acquires any ~~In the case of the purchase of any property, or any~~
 873 easement, or estate or interest therein by purchase or ~~the~~
 874 ~~acquisition of the same~~ by the power of eminent domain, the
 875 political subdivision ~~making such purchase or exercising such~~
 876 ~~power~~ shall, in addition to the damages for the taking, injury,
 877 or destruction of property, also pay the cost of the removal and
 878 relocation of any structure or any public utility that must
 879 ~~which is required to~~ be moved to a new location.

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

882 333.13 Enforcement and remedies.—

883 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport
 884 zoning regulations, orders, or rulings adopted ~~promulgated~~ or

885 made under ~~pursuant to~~ this chapter is ~~shall constitute~~ a
 886 misdemeanor of the second degree, punishable as provided in s.
 887 775.082 or s. 775.083, and each day a violation continues to
 888 exist constitutes ~~shall constitute~~ a separate offense.

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

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

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

906 333.135 Transition provisions.—

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

911 (2) By July 1, 2017:

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

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

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

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

925 350.81 Communications services offered by governmental
 926 entities.—

927 (6) To ensure the safe and secure transportation of
 928 passengers and freight through an airport facility, as defined
 929 in s. 159.27(17), an airport authority or other governmental
 930 entity that provides or is proposing to provide communications
 931 services only within the boundaries of its airport layout plan,
 932 as defined in s. 333.01(6), to subscribers which are integral
 933 and essential to the safe and secure transportation of
 934 passengers and freight through the airport facility, is exempt
 935 from this section. An airport authority or other governmental
 936 entity that provides or is proposing to provide shared-tenant

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937 service under s. 364.339, but not dial tone enabling subscribers
938 to complete calls outside the airport layout plan, to one or
939 more subscribers within its airport layout plan which are not
940 integral and essential to the safe and secure transportation of
941 passengers and freight through the airport facility is exempt
942 from this section. An airport authority or other governmental
943 entity that provides or is proposing to provide communications
944 services to one or more subscribers within its airport layout
945 plan which are not integral and essential to the safe and secure
946 transportation of passengers and freight through the airport
947 facility, or to one or more subscribers outside its airport
948 layout plan, is not exempt from this section. By way of example
949 and not limitation, the integral, essential subscribers may
950 include airlines and emergency service entities, and the
951 nonintegral, nonessential subscribers may include retail shops,
952 restaurants, hotels, or rental car companies.

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