

Office of School Board Members
Board Meeting of April 14, 2004

April 8, 2004

Mr. Agustin J. Barrera, Member

**SUBJECT: REQUEST TO FORM A COMMITTEE TO SECURE THE
 AUTHORITY TO BUILD EDUCATIONAL FACILITIES WITHIN A
 FLIGHT PATH ZONE**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
 PERSONNEL SERVICES**

On December 4, 2003, The School Board of Miami-Dade County, Florida, amended its 2004 State Legislative Program to allow the construction of educational facilities within flight path zones. Bills have been filed in both the Florida House of Representatives and the Florida Senate to allow such building under specific circumstances; however, it appears that the legislation has run into some resistance in the Legislature.

Florida Statutes 1013.36(3) precludes an educational facility being located within any flight path approach of any airport. However, Florida Statutes 330.03(2)(d)(3) provides an exception for approving construction of an educational facility within such a designated area. As stated in the statutes, "exceptions can be granted when the political subdivision administering the zoning regulations makes specific finding detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location."

Since it appears that the legislation has been stalled, a committee should be created to work with the necessary local authorities to resolve these issues locally, specifically to secure authority to build educational facilities within a flight path zone. The committee should include: a representative from the Miami-Dade County's Aviation Department; a representative from the Miami-Dade County's Attorneys Department; School Board Member; School Board Attorney; a representative from the Dade County Parents and Teachers Association; and a representative from the City of Doral.

This item does not appear in the published agenda. There is good cause to vary from the agenda in order to form a committee to resolve these issues locally prior to the conclusion of the 2004 Legislative Session, which ends on April 30, 2004.

**GOOD CAUSE
D- 15**

**ACTION PROPOSED BY
MR. AGUSTIN J. BARRERA:**

That The School Board of Miami-Dade County, Florida, direct the Superintendent to form a committee to secure the authority to build educational facilities within a flight path zone.