

July 1, 2004

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Senate Bill 2572, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to airport zoning . . .

This bill allows Miami-Dade County to circumvent the existing process for local government approval of school construction within airport flight paths. Although Florida law prohibits construction of schools within airport flight paths and certain noise zones, section 333.03, Florida Statutes, allows exceptions -- provided certain local actions are taken. Specifically, the local government must make findings addressing health and safety concerns and the airport's governing body must conduct a noise study. Based on the legislative scheme embodied in section 333.03, these exceptions to the county's existing airport zoning regulations need not be made on a facility-specific (case-by-case) basis but instead may simply identify those areas within the flight path that the community deems appropriate for placement of schools. Indeed, section 333.03 speaks of "airport zoning regulations" in general and the creation of exceptions thereto.

The state's overarching policy presumes the paramount importance of protecting our children and teachers by forbidding construction of schools under flight paths. At the same time, the law recognizes that local governments are best equipped to make the final decision and therefore allows counties, upon certain findings of fact and noise studies, to permit school construction under flight paths. A process therefore exists by which Miami-Dade can approve school construction under flight paths. The state should not circumvent that process. Such would be bad policy and an invitation for others to seek similar such exemptions.

Ms. Glenda E. Hood
July 1, 2004
Page Two

For these reasons, I therefore withhold my approval of Committee Substitute for Senate Bill 2572 and do hereby veto the same.

Sincerely,

Jeb Bush