

NOTICE OF PROMULGATION OF AIRPORT REGULATIONS PURSUANT TO SECTION 332.08(2), FLORIDA STATUTES APPROVED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS ON JANUARY 24, 2023, AND RECORDED IN THE MINUTES OF THE BOARD.

RESOLUTION NO. 2023-0104

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING THE AIRPORT RULES AND REGULATIONS (R-98-220, AS AMENDED) AS CODIFIED IN APPENDIX B OF THE PALM BEACH COUNTY CODE; PROVIDING FOR THE REPEAL OF THE JET RESTRICTION AT THE PALM BEACH COUNTY PARK AIRPORT; PROVIDING FOR PROMULGATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County ("County"), by and through its Department of Airports ("Department"), owns and operates the Palm Beach County Park Airport ("Lantana Airport"); and

WHEREAS, Section 332.08(2), Florida Statutes, provides that, if a county operates one or more airports, its regulations for the governance thereof shall be by resolution of the Board of County Commissioners, recorded in the minutes of the Board, and promulgated by posting a copy at the courthouse and at every such airport for four (4) consecutive weeks or by publication once a week in a newspaper published in the county for the same period; and

WHEREAS, the Federal Aviation Administration ("FAA") concluded in its Final Agency Decision, Docket No. 16-17-13 ("FAD"), that the restriction set forth in Article XII, Division 2, Section 12-6(a) of the Airport Rules and Regulations ("Jet Restriction") was adopted in violation of federal law and the County's grant assurance obligations; and

WHEREAS, the County submitted a Corrective Action Plan to the FAA as required by the FAD, committing to the repeal of the Jet Restriction.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. **Repeal of Jet Restriction.** Appendix B of the Palm Beach County Code, Article XII, Division 2, Sec. 12-6., Use Restrictions, is hereby amended as follows:

Sec. 12-6. Use restrictions.

The following use restrictions for the Lantana Airport shall be enforced in accordance with the Lantana interlocal agreement:

(a) ~~Reserved. Pure turbo-jet aircraft and aircraft in excess of 12,500 pounds engaging in air-cargo operations are prohibited.~~

2. **Promulgation of Rules and Regulations.** The Board of County Commissioners hereby directs that a copy of this Resolution be recorded in the Minutes of the Board and promulgated in accordance with Section 332.08(2), Florida Statutes.

3. **Severability.** If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

4. **Codification.** The provisions of this Resolution shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this resolution may be renumbered or relettered to accomplish such, and the word "resolution" may be changed to "section", "article" or other appropriate word.

5. **Effective Date.** This Resolution shall become effective immediately upon the date of promulgation as set forth in an affidavit filed with the Clerk of the Board that the requirements related to promulgation have been satisfied.

The foregoing Resolution was offered by Commissioner Sachs, who moved its adoption. The motion was seconded by Commissioner Woodward, and upon being put to a vote, the vote was as follows:

COMMISSIONER GREGG WEISS, MAYOR	-	Aye
COMMISSIONER MARIA SACHS, VICE MAYOR	-	Aye
COMMISSIONER MARIA G. MARINO	-	Aye
COMMISSIONER MICHAEL BARNETT	-	Aye
COMMISSIONER MARCI WOODWARD	-	Aye
COMMISSIONER SARA BAXTER	-	Aye
COMMISSIONER MACK BERNARD	-	Aye

Then the Mayor thereupon declared this Resolution duly passed and adopted this 24th day of January, 2023.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

**JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT AND
COMPTROLLER**

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**Sunday, January 29, 2023
Sunday, February 5, 2023
Sunday, February 12, 2023
Sunday, February 19, 2023**