

## Marguerite Linke

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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Thursday, August 24, 2017 3:18 PM  
**To:** Marguerite Linke  
**Cc:** County Ordinances  
**Subject:** Hernando20170824\_Ordinance2017\_32\_Ack.pdf  
**Attachments:** Hernando20170824\_Ordinance2017\_32\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 24, 2017

Honorable Don Barbee Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 3621  
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2017-32, which was filed in this office on August 24, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

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**ORDINANCE NO.: 2017 -~~31~~<sup>32</sup>**

AN ORDINANCE AMENDING CHAPTER 3 OF THE HERNANDO COUNTY CODE TO EXPLICITLY CODIFY THE DEFINITIONS THAT ARE CURRENTLY INCORPORATED THEREIN BY REFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

**Section 1. Amendment of Hernando County Code § 3-17.** Hernando County Code § 3-17, Definitions, is amended to read as follows, with underlined matter added and struck-through matter deleted:

- (1) As used in this ~~article~~ chapter, unless the context clearly requires a different meaning, the term:  
“Aeronautical Activity” or “Aeronautical Service” shall refer to any activity or service conducted at the airport that involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, aircraft fueling, aircraft storage, flight training, aircraft rental, aircraft sales, aircraft repair and maintenance, sightseeing, aerial photography, crop dusting,

1 aerial advertising, aerial surveying, air carrier operations, sale of aircraft parts, sale  
2 and maintenance of aircraft accessories, radio, communication and navigational  
3 equipment, flying clubs and any other aeronautical or aviation related activity.

4 “Agreement” shall refer to the written agreement between the BOCC and an  
5 operator specifying the terms and conditions under which the operator may conduct  
6 any aeronautical activity or perform any aeronautical service. Such agreement shall  
7 recite the terms and conditions under which the activity or service will be conducted  
8 at the airport including, but not limed to, term of the agreement, rents, fees and  
9 charges to be paid, and the rights and obligations of the respective parties.

10 “Aircraft” shall be construed broadly to include any device used or designed  
11 for navigation or flight in the air, regardless of FAA registration or licensure,  
12 including, but not limited to, airplanes, gliders, helicopters, gyrocopters, ultralites,  
13 balloons, and blimps.

14 “Air Charter” or “Air Taxi” shall refer to the operation of providing air  
15 transportation of person(s) and/or property for hire through either a charter or air taxi  
16 operator in accordance with Federal Aviation Regulations contained at 14 CFR Part  
17 121 or 135.

18 “Aircraft Fuel” shall refer to all flammable liquids composed of a mixture of  
19 hydrocarbons expressly manufactured or blended for the purpose of operating an  
20 internal combustion, jet or turbine engine.

1           “Aircraft Management” shall refer to an entity engaged in the operational  
2           management of based aircraft for specific aircraft owners. Typically, a management  
3           service operator ensures or provides aircraft maintenance, storage, dispatch, aircrew  
4           assignment and ground servicing for these aircraft.

5           “Aircraft Operation” shall refer to the movement of any aircraft on airport  
6           property and including, without limitation, the landing, take-off, and taxing of aircraft  
7           at the airport.

8           “Aircraft Owner” shall refer to the person(s) and/or entity(ies) holding legal  
9           title to an aircraft and including person(s) and/or entity(ies) having exclusive and  
10           lawful possession of an aircraft.

11           “Aircraft Rental” or “Aircraft Leasing” shall refer to the operation of renting  
12           or leasing aircraft to the public.

13           “Aircraft Sales” shall refer to the sale of new or used aircraft through  
14           brokerage, ownership, franchise, distributorship, or dealership.

15           “Aircraft Storage” shall refer to the temporary or long-term parking or storage  
16           of aircraft and as further confined to within those areas of the airport depicted on the  
17           Airport Layout Plan (ALP) or as expressly permitted by the manager in writing and  
18           subject to all terms and conditions imposed thereon.

19           “Airfield Operations Areas” or “AOA” shall refer to any area of the airport  
20           used or intended to be used for landing, takeoff, or the surface maneuvering of



1           aircraft. The AOA is part of the airport which is designated as a restricted Area.

2           “Airframe and Power Plant Maintenance” shall refer to the commercial  
3           operation of providing airframe and power plant services, which include the service,  
4           repair, maintenance, inspection, construction or making modifications or alterations  
5           to aircraft engines, propellers and appliances including the removal of engines for  
6           major overhaul as defined in 14 CFR Part 43, and further includes the sales of aircraft  
7           parts.

8           “Airframe and Power Plant Mechanic” or “A&P” shall refer to any person  
9           who holds an aircraft mechanic certificate with both airframe and power plant ratings  
10           as authorized and described in 14 CFR Part 65.

11           “Airport” shall refer to the Brooksville - Tampa Bay Regional Airport and  
12           includes all Hernando County owned or leased real or personal property, buildings,  
13           facilities and improvements within the boundaries of said airport, as it presently  
14           exists or as it may exist when it is hereafter modified, expanded or developed, and  
15           which also includes all of its facilities as shown on the most current airport layout  
16           plan.

17           “Airport Layout Plan” or “ALP” shall refer to the most recently approved plan  
18           or drawing depicting the physical layout of the airport and identifying the location  
19           and configuration of current runways, taxiways, buildings, roadways, utilities,  
20           navigational aids, etc. The ALP is a component of the airport's master plan.

1           “Airport Manager” or “Manager” shall refer to the individual appointed and  
2           authorized by the Hernando County Board of County Commissioners to administer  
3           and manage all operations of the airport and airport facilities, and to supervise all  
4           airport projects in accordance with Chapter 3 of the Hernando County Code and  
5           applicable law.

6           “Avionics Sales and Maintenance” shall refer to the operation of providing  
7           for the repair and service, or installation of aircraft radios, instruments, and related  
8           accessories, and which operations may include the sale of new or used aircraft radios,  
9           instruments, and related accessories.

10           “Based Aircraft” shall refer to any aircraft which the aircraft owner physically  
11           locates or stores at the airport, and whenever absent from the airport, its owner  
12           intends to return the aircraft to the airport for storage.

13           “BOCC” shall refer to the Board of County Commissioners for Hernando  
14           County, Florida.

15           “Building” shall refer to any existing or planned facility, hangar, or T-Hangar  
16           of steel, concrete, concrete block, or substantial metal construction on a concrete  
17           foundation, affixed to land within the airport, and at such location as has been duly  
18           approved by the BOCC. The erection, construction or expansion of any building after  
19           adoption of these standards shall be pursuant to all applicable zoning regulations and  
20           building codes.

1           “Commercial Operator” or “Operator” shall refer to any person involved in  
2           any commercial aeronautical activity or providing any aeronautical service within the  
3           airport, or which contributes to, or is required for the safe conduct and utility of  
4           aircraft operations, the purpose of such activity being to generate or secure earnings,  
5           income, compensation, services, goods, like-kind exchange, or profit of any kind,  
6           whether or not such results are accomplished.

7           “County” shall refer to Hernando County, Florida.

8           “Exclusive Right” shall refer to any power, privilege or other right excluding  
9           or debarring another from enjoying or exercising a like power, privilege or right. An  
10           exclusive right can be conferred either by express agreement, contract, license, lease,  
11           permit, the imposition of unreasonable standards or requirements or by any other  
12           means consistent with FAA rules, regulations or governing law.

13           “FAA” shall refer to the Federal Aviation Administration, a federal agency  
14           within the United States Department of Transportation which has primary  
15           responsibility over air travel and transportation within the United States.

16           “Fixed Base Operator” or “FBO” shall refer to any full service commercial  
17           aeronautical service provider that has the privilege to sell fuel and engages in a  
18           minimum of two (2) of the following secondary activities: airframe and power plant  
19           maintenance, flight training, aircraft rental, aircraft charter or air taxi, avionics sales  
20           and service and aircraft storage/tie-downs or sale of pilot supplies.



1           “Flight Training” shall refer to the commercial operation of instructing pilots  
2           in dual and solo flight, in fixed or rotary wing aircraft, and related ground school  
3           instruction as necessary to complete a FAA written pilot's examination and flight  
4           check ride for various categories of pilots licenses and ratings, and shall also include  
5           any portion of a flight between two or more airports or other destinations where the  
6           primary purpose is to increase or maintain pilot or crew member proficiency.

7           “Flying Club” shall refer to any non-commercial and non-profit entity  
8           organized for the purpose of providing its members with aircraft for their personal  
9           use and enjoyment. Aircraft must be vested in the name of the flying club's owners,  
10           on a pro-rata share, and the club may not derive greater revenue from the use of the  
11           aircraft than the cost to operate, maintain and replace the aircraft.

12           “Fueling” or “Fuel Handling” shall refer to the transportation, sale, delivery,  
13           dispensing, storage, or draining of fuel or fuel waste products to or from any aircraft,  
14           vehicles, or equipment.

15           “Fuel Storage Area” shall refer to any portion of the airport designated  
16           temporarily or permanently by the manager as an area in which aviation, motor  
17           vehicle gasoline or any other type of fuel or fuel additive may be stored or loaded.

18           “General Aviation” shall refer to all phases of aviation other than military  
19           aviation and scheduled or commercial air carrier operations.

1           “Hazardous Material” shall refer to any substance, waste or material which  
2           is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic,  
3           mutagenic, or otherwise hazardous, and is or becomes regulated as a hazardous  
4           material by any governmental authority, agency, department, commission, board or  
5           agency.

6           “Improvements” shall mean repairs, replacements, extensions and additions  
7           of buildings, lands, or any other facilities normally used or needed in the operation  
8           of an airport.

9           “Independent Contractor” or “Independent Operator” shall refer to any person  
10           or operator offering a 'single' aeronautical service which is not currently provided by  
11           an existing airport tenant and which does so without an established place of business  
12           on the airport. Independent contractors (as this term is used interchangeably with  
13           “Independent Operators” for purposes of these Rules) shall be duly licensed or  
14           certificated as required for all work performed, maintain the required insurance, and  
15           fully comply with these Standards.

16           “Lease” shall refer to the written contract between the BOCC and an operator  
17           (lessee) specifying the terms and conditions under which an operator may occupy or  
18           operate from certain designated airport facilities and/or property.

1           “Lessee” shall refer to any person(s) or entity(ies) who has entered into a  
2           lease directly with the County regarding property located within the airport  
3           boundaries.

4           “Lessor” shall refer to the Hernando County Board of County Commissioners  
5           BOCC).

6           “Master Plan” shall refer to the current master plan report and the scaled  
7           dimensional layout of the entire airport, indicating current and proposed usage for  
8           each identifiable segment as approved by the BOCC, FAA, and the Florida  
9           Department of Transportation.

10           “Minimum Operating Standards” or “Standards” shall refer to these  
11           qualifications, criteria, and standards set forth in Hernando County Code § 3-78.

12           “Non-aeronautical Lease” shall refer to any lease of airport property that does  
13           not pertain to an aeronautical activity.

14           “Operator” means any person involved in any commercial aeronautical  
15           activity or providing any aeronautical service within the airport, or which contributes  
16           to, or is required for the safe conduct and utility of aircraft operations, the purpose  
17           of such activity being to generate or secure earnings, income, compensation, services,  
18           goods, like-kind exchange, or profit of any kind, whether or not such results are  
19           accomplished.



1           “Permit” shall refer to any administrative written approval, lease  
2           agreement, or license agreement issued by the BOCC or manager to any person to  
3           conduct any aeronautical activity or provide any aeronautical service, on a  
4           temporary basis, and under such terms, conditions, and duration as may be  
5           imposed and strictly limited to such location or locations as authorized.

6           “Person” as used in these Standards shall refer to any individual or  
7           individuals, corporation, firm, partnership, association, organization and any other  
8           group acting as an entity, or combination thereof, and further includes any trustee,  
9           receiver, assignee, or similar representative thereof.

10           “Preventive Aircraft Maintenance” shall refer to any maintenance that is not  
11           considered a major aircraft alteration or repair and does not involve complex  
12           assembly operations as listed in 14 CFR Part 43, except for Item 22 in the Regulation  
13           (Item 22 involves the replacement of prefabricated fuel lines, and shall, for the  
14           purposes of these regulations, be considered a major aircraft repair).

15           “Public Airport Facilities” means the airport facilities located in Hernando  
16           County and includes all facilities used or to be used in connection with aviation  
17           activities.

18           “Roadway” shall refer to any street or road, whether improved or unimproved,  
19           within the boundaries of the airport and designated for use by ground vehicles.



1           “Rules and Regulations” or “Rules” shall refer to the airport rules and  
2           regulations which are set forth in Hernando County Code Chapter 3, Article IV. The  
3           airport rules and regulations may be amended from time to time. The rules shall  
4           apply to all persons operating under or pursuant to these standards.

5           “Self-Service” shall refer to the refueling, repair, preventive maintenance,  
6           towing, adjustment, cleaning and/or other general services of any aircraft performed  
7           by an aircraft owner, or by such direct employee(s) of an aircraft owner with  
8           resources supplied by the aircraft owner.

9           “Specialized Aviation Service Operation” or “SASO” shall refer to any  
10           aeronautical or aviation related business that offers a single or limited aeronautical  
11           service that does not include fueling. Examples of a SASO include, but are not  
12           limited to, flight training, aircraft maintenance, air charter, air taxi, aircraft sales,  
13           aircraft rental, avionics sales and maintenance, aircraft storage, and sale of pilot  
14           supplies.

15           “Sublease” shall refer to any written agreement, approved by the BOCC,  
16           stating the terms and conditions under which a third party operator leases space from  
17           a lessee for the purpose of providing aeronautical activities or services at or within  
18           the airport boundaries.

19           “Taxilane” shall refer to those portions of the airport apron area, or any other  
20           area, used for access between taxiways and aircraft parking or storage areas.

1           “Taxiway” shall refer to those defined paths established for the taxiing of  
2           aircraft from one part of the airport to another.

3           “Through-the-Fence Operator” shall refer to an operator which accesses  
4           airport property to conduct commercial aeronautical activities or to provide a service  
5           or sell a product on airport property without having a lease agreement or prior  
6           permission from the BOCC to do so.

7           “Variance” shall refer to any approved deviation from the requirements of  
8           these minimum operating standards as provided herein.

9           “Vehicle Parking Area” shall refer to any portion of the airport designated and  
10          made available temporarily or permanently by the manager for the parking of  
11          vehicles.

12          (2) Terms which relate to aeronautical practices, processes and equipment, if not  
13          defined in subpart (1) above, shall be construed according to the definitions  
14          contained in Title 14 of the Code of Federal Regulations, Chapter 332 of the Florida  
15          Statutes, or if not defined therein, according to their general usage in the aviation  
16          industry.

17          **Section 2. Repeal of Hernando County Code § 3-77 and § 3-106.** Hernando County Code  
18          § 3-77 and § 3-106 are hereby repealed.

19          **Section 3. Severability.** It is declared to be the intent of the Board of County  
20          Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this



**DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\JAJ\Ordinances\Airport FBO Revision Ordinance\Definitions 2.wpd, August 9, 2017 (10:30am) NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.**

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1 Approved for Form and Legal Sufficiency

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Deputy County Attorney