

**Okaloosa County Airports Department Responses to Public Comments
on Proposed Revisions to the Rules and Regulations and Minimum Standards
for Bob Sikes Airport and Destin Executive Airport**

Comment #	Page	Section and Paragraph	Document	Comment	Commenter	Okaloosa County Airports Department Response
1	11	D.II.d	RR	Sentence contains a double negative. “No aircraft shall not block...”	Stubblefield	Removed double negative.
2		All	Both	What person at the FAA in Orlando were the proposed Min-Standards and Rules and Regs sent to?	RM	They were not sent to any one specific individual. The draft documents were sent to all of the staff for ADO – 1.
3		All	Both	What is the time and location of the Dec 15th Tenant / Public Meeting – Final Review?	RM	The December 15, 2022 meeting was cancelled when the comment period was extended. The next opportunity for public comment was at the Okaloosa County Aviation Board meeting on March 13, 2023. A public notice was circulated with details.
4		All	RR	General Comment – Legendary Air supports the adoption of rules and regulation for the Destin Airport and appreciates the efforts involved in providing the initial draft for comments. However, Legendary believes a number of modifications would be beneficial and enhance the ability of the rules to survive legal attach including changes which (i) incorporate proper procedures, (ii) incorporate standards – particularly for application of penalties – all violation should not trigger the right to all penalties such as termination of lease for failure to park a car in a designated area, (iii) recognize current and normal practices which do not create health or safety issues, and provide for reasonable exercise of powers with appropriate criteria for such exercise.	Legler	We appreciate our tenants' feedback on these draft Rules and Regulations. In response to the public comments we received, we have made significant revisions to the proposed Rules and Regulations, including with respect to enforcement and penalties. Please see our responses to specific comments, including comment 57, regarding penalties for violations of the Rules and Regulations.

5	1	A.I.c	RR	<p>This provision authorizes the Airport Director to make rules without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners</p>	Legler	<p>This provision tracks Section 3-85(a) of the existing Rules and Regulations, which the County adopted by Ordinance No. 78-03 in 1978. Section 3-85(a) provides that: "In any contingencies not specifically covered in these rules and regulations the airport manager shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper."</p> <p>Paragraph A(I)(c) of the draft Rules and Regulations was intended to provide a similar degree of discretion for the Airports Director and his staff to act in circumstances not expressly addressed by the Rules and Regulations. That kind of discretion is typical for all administrative officials and does not grant the Airports Director absolute ability to interpret, apply, and make new rules without vetting or oversight.</p> <p>However, in response to this and several other comments, we have revised paragraph A(I)(c) to more precisely define the Airports Director's rulemaking authority. Now, paragraph A(I)(c) only permits the Airports Director to make reasonably necessary orders and decisions to respond to an emergency or exigent situation, and then only for the lesser of (a) the end of the situation, (b) 90 days, or (c) when the Board of County Commissioners takes superseding action. This revised version of the paragraph amounts to short-term, emergency authority only as necessary.</p>
6	4	B.I.b	RR	<p>This provision allows the Airport Director to set rates – without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners</p>	Legler	<p>We have revised paragraph B(I)(b) to assign this authority to the Board of County Commissioners itself.</p>

7	4	B.I.d	RR	Reserving the right to approve fees by third parties is price controls which is outside the County's authority	Legler	Grant Assurance 22(b) generally requires that FBOs and other commercial operators at an airport charge reasonable, not unjustly discriminatory prices for goods and services and obligates the airport sponsor to monitor those charges. This provision incorporates that obligation and gives the County authority to meet its federal obligations if necessary. In addition, paragraph B(I)(d) tracks the existing Rules and Regulations, which the County adopted by Ordinance No. 78-03 in 1978. Per Section 3-91(n) of the County Code, "The rates and charges for any and all activities and services of such operators shall be determined by the operators, subject to the approval of the board, and subject further, to the requirements that all charges and rates be reasonable and equally and fairly applied to all users of the services. A current list of all charges and rates of all services shall be provided to the airport manager."
8	4	B.II.a	RR	Airport Director to adopt rates and charges without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners	Legler	We have revised paragraph B(II)(a) to assign this authority to the Board of County Commissioners.
9	5	C.I.g	RR	Prohibit consumption of alcohol except in designated areas. On it face would prohibit passengers from having a drink inside an aircraft while on the ground or having a drink inside a hanger	Legler	We have revised this paragraph simply to require anyone consuming alcohol to comply with applicable laws and regulations.

10	7	C.IV.a	RR	Prohibits any firearms except by law enforcement. Would make it illegal to have weapon in car or on airplane even with concealed weapons permit	Legler	Several commenters have expressed concern about the draft language on weapons possession on the Airport. Okaloosa County is a Second Amendment Sanctuary and we have revised section C(IV) by removing policies on firearms possession or discharge in accordance with that sanctuary policy and state law.
11	8	C.V.a	RR	Prohibits signs without Director approval – interior or exterior – unreasonably requires written approval for signs inside hanger such as “Restroom” or “Trash Bin”	Legler	Several commenters have expressed concern about the draft restriction on posting interior signs without the Airports Director's approval. We propose to revise the rule to permit the installation of signage within the interior of a privately leased hangar or other facilities without requiring the Airports Director's written approval. We note that paragraph C(V)(a), as originally drafted, aligns with the existing Rules and Regulations, which provide that "no person shall post, distribute or display signs, advertisements, circulars or written or printed matter of any kind on the property of the airport, without the written permission of the [Airports] manager." (Code sec. 3-86(f).)
12	9	C.X.a	RR	No residential use – some hangers have “apartments” for permanent crew	Legler	As an airport sponsor, the County is subject to various FAA grant agreements and policies. Per FAA policy, "the FAA does not consider permanent or long-term living quarters to be an acceptable use of airport property at federally obligated airports. This includes developments known as airparks or fly-in communities, and any other full-time, part-time, or secondary residences on airport property – even when co-located with an aviation hangar or aeronautical facility. While flight crew or caretaker quarters may include some amenities, such as beds, showers, televisions, and refrigerators, these facilities are designed to be used for overnights and resting periods, not as permanent or even temporary residences for flight crews, aircraft owners or operators, guests, customers, or the families or relatives of same." <i>See</i> FAA Order 5190.6B (Change 2), Airport Compliance Manual (May 2022), at ¶ 20.5(b). In conformity with this policy, the County proposes to prohibit the residential use, on a permanent or temporary basis, of any building or facility on the Airport, except for certain temporary occupancy by flight crews and under similarly limited circumstances as stated in paragraph C(X)(a).

13	10	C.XI.a	RR	No storage in hanger for anything but aircraft & support – i.e. no cars or household goods. What about spare parts or supplies for future flights? What is the purpose of this major change from usual and customary usages of hangers	Legler	<p>In general, the County must limit the use of hangars for non-aeronautical purposes in order to comply with its federal grant obligations. The FAA's Policy on the Non-Aeronautical Use of Airport Hangars, 81 Fed. Reg. 38,906 (June 15, 2016) (the Hangar Use Policy), strictly limits the non-aeronautical use of aeronautical facilities at airports, including but not limited to hangars and similar structures. As a grant-obligated sponsor, we are bound by those requirements.</p> <p>However, in response to this and other comments, we have revised this paragraph (now designated C(IX)(a)) to better reflect the Hangar Use Policy, which allows for some storage of non-aeronautical items that will not impair the aeronautical use of the hangar.</p>
14	11	D.I.e	RR	Director can prohibit or limit aircraft operations and personal access – no requirement for reasonableness and no standards provided to prevent arbitrary and capricious exercise of power	Legler	We have removed this paragraph.
15	13	D.III.a-c	RR	The proposed rules restrict all maintenance and cleaning to areas designated by the Director and limits washing to “dry” washing unless approved by the Director. This appears to be overly restrictive, inconsistent with normal practices and impractical. Cleaning typically occurs within hangers. There is no clarity as to the type of cleaning and maintenance. Is vacuuming the interior cleaning? Is tightening a screw maintenance?	Legler	We have removed the section formerly designated D(III).
16	14	D.VI.b	RR	Anyone performing self-servicing must be trained and/or certified. “Self-servicing” is way too broad a term. Does it apply to fixing passenger seatbelts, charging a battery, tightening a screw and many other jobs typically done by owners and crew without any special training or certification	Legler	We have removed this paragraph.
17	16	E.IV.j	RR	Draft rule prohibits starting an engine within 50 feet of any volatile fluid without a definition of volatile – is a can of oil volatile.	Legler	We have removed this paragraph.

18	26	F.II.a	RR	No commercial ground transportation at or from airport without permission. This is not VPS, owners and crew frequently take UBER, LIFT or taxi to DTS and see no reason why special licenses and fees should apply to DTS	Legler	We have modified this section to apply to commercial ground transportation operators attempting to base their operation at the Airport, which would use parking spaces and other Airport and FBO property without permission. The County has entered into agreements with some TNCs, such as Turo, that allow them to operate at County Airports. This provision does not prevent or limit an Airport user from calling a taxi, Uber, Lyft, or similar service for transportation to or from the Airports.
19	27	F.III.a	RR	Vehicle parking and standing only in designated areas. Not realistic as typically vehicles drop off/pick up passengers and luggage at aircraft side	Legler	In response to this and other comments, we have revised paragraph F(III)(a) to add an exception for "when actively loading or unloading passengers or luggage."
20	28	F.IV.j	RR	No vehicle can pass between a parked aircraft and a adjacent building. Really? How will owners get their cars in/out of a hanger without passing by their parked aircraft.	Legler	We have removed this paragraph.
21	34	J.I.c	RR	Director investigates violations and imposes penalties. Is this the equivalent of police/jury/judge all rolled into one. Where is due process?	Legler	We have removed this paragraph. Please see our response to comment 281 regarding our proposed changes to the enforcement process for the Rules and Regulations.

22	35	J.II.a	RR	<p>Rule violation is a misdemeanor and can be punished by fines and imprisonment and both. No standards, no due process, no checks and balances. Jail for a parking violation, for cleaning an aircraft windshield? An independent judicial authority should be the only party authorized to determine and impose penalties.</p>	Legler	<p>With respect to criminal penalties, please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. The language this comment quotes has existed in the current Rules and Regulations since 1978 and merely restates the state statute. Nothing in the Rules and Regulations is intended to deprive any person of any of their due-process rights.</p> <p>With respect to administrative penalties, we have heavily revised the entirety of what was Section J (now redesignated Section G) to grant the Board of County Commissioners, not the Airports Director, authority to impose substantive penalties. Under the revised Section G, the Airports Director may issue written warnings and notices of violation to an Airport user. If that user still fails to cure the violation in the time permitted, the Airports Director may refer the matter to the Board of County Commissioners for enforcement at a Board meeting. The Board is then authorized to determine whether a violation occurred and what the appropriate penalty shall be, up to a maximum limit. The Board may impose a higher penalty (still subject to a cap) for repeated violations of the Rules and Regulations.</p> <p>This significantly revised enforcement approach places the authority to impose substantive penalties, such as monetary penalties and lease termination, into the control of the Board of County Commissioners, not the Airports Director. It provides for clear warnings before someone is penalized for the first time, and it allows substantial due process to the alleged violator. Of course, this is for civil penalties; criminal matters remain within the jurisdiction of the courts.</p>
23	41	AppxA.II.a	RR	<p>Director authorized to impose all manner of penalties including cancellation of lease, evictions, denial of right to operate an aircraft, impounding of an aircraft, etc. No standards, no due process, no judicial review, no ranking of violations and matching with penalties. Hanger lessees have spent literally hundreds of thousand dollars on their leases and hangers. Providing the Director the ability to take such actions at the Director's discretion amounts to unlawful taking. Again, this is the purview of a court not an administrative position.</p>	Legler	<p>Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.</p>

24	4	B.I.b	RR	This appears to be an open statement that allows fees to be changed whenever and on everything and anything at and associated with the airport director's wish. I recommend this be removed.	V12 Enterprises, LLC	Please see our response to comment 6.
25	4	B.I.d	RR	The county reviewing and approving fees charged by persons providing product services to individuals on the field could lead to delayed work approvals and could infringe on competition and fees (price control). I recommend this be removed.	V12 Enterprises, LLC	Please see our response to comment 7. The County welcomes suggestions regarding ways to amend its current fees to promote the competitiveness and financial sustainability of the Airports for the benefit of both Airport users and County residents.
26	4	B.II.a-b	RR	What is the justification and schedule for the rates and charges? Should there be a process for publication, public notice or public comment?	V12 Enterprises, LLC	Please see our response to comment 7. The County welcomes suggestions regarding ways to amend its current fees to promote the competitiveness and financial sustainability of the Airports for the benefit of both Airport users and County residents.
27	5	C.I.f	RR	What is the definition of abandoned? Will the owner be notified that the county plans to dispose of or keep the private property?	V12 Enterprises, LLC	In response to this comment, we have defined "abandoned" and "lost" personal property to align with the definitions of section 705.101(2) and (3) of the Florida Statutes. As a practical matter, the County will typically try to notify the owner of abandoned property, but we cannot guarantee we will do so in each instance. These Rules and Regulations should put Airport users on notice that the County may use or keep such property if unclaimed within 90 days.
28	5	C.I.g	RR	I recommend this paragraph be removed. Florida and Federal laws cover the consumption of alcoholic beverages, to include operating an aircraft and vehicle. Passengers inside private / commercial aircraft and hangars, for example, are areas that should not be regulated.	V12 Enterprises, LLC	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
29	6	C.II.c	RR	I recommend this paragraph be removed. What is considered loitering on the airport? What is a reasonably necessary time? What is lawful and appropriate business?	V12 Enterprises, LLC	We have revised paragraph C(II)(c) to make an exception for those who are in an Airport facility at the invitation of the facility's tenant. The term "loiter" means to hang around with no apparent purpose. The County does not intent to limit the ability of airport users to visit with each other or sit and watch airport activity.
30	7	C.IV.a	RR	This paragraph should be removed. Florida State Statutes covers firearms. This paragraph conflicts with Florida State Statutes. For example, firearms in cars and aircraft.	V12 Enterprises, LLC	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
31	7	C.IV.b	RR	This paragraph should be removed. Florida State Statue covers firearms.	V12 Enterprises, LLC	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.

32	7	C.IV.c	RR	Remove “other than persons specified in paragraph (a) above”. ⁷	V12 Enterprises, LLC	We have revised this proposed paragraph (now renumbered paragraph C(IV)(b) to clearly specify who may shoot or discharge a firearm or arrow on or onto the Airport.
33	7	C.IV.e	RR	This paragraph must be modified. Some aircraft fly with fixed simulated missiles and or bombs which are not “hoax devices”, but could be considered such according to paragraph e.	V12 Enterprises, LLC	We have revised this proposed paragraph (now renumbered paragraph C(IV)(d)) to exempt real or apparent ordnance on certificated aircraft.
34	8	C.VI.a	RR	Paragraph should be removed. What other airports (besides military / DOD) similar to CEW and DTS in the US prohibit photography? What is the intent of attempting to restrict photography at CEW or DTS? Example – if a warbird lands at DTS after a historic Air Force celebration flight, the crew can’t take a photo of the crew and aircraft with nothing but fence and trees in the background to post on their company web page without first making a formal request to the Airfield Director?	V12 Enterprises, LLC	We have removed this section. However, we note that the now-removed paragraph C(VI)(a) tracks the existing Rules and Regulations. Section 3-86(i) of the Code County Code provides, "No person except representatives of the press on duty or during official assignments shall take still, motion or sound pictures for commercial purposes on the airport without permission of the [airport] manager."
35	9	C.IX.d	RR	Is hangar repair considered altering property? Is there a grandfather clause for current hangar status?	V12 Enterprises, LLC	In general, hangar repair to restore the hangar to its original or equivalent condition does <i>not</i> constitute alteration of Airport property so long as it merely <i>repairs</i> such property. <i>Changes</i> to Airport facilities or land would constitute alteration of Airport property subject to paragraph C(VII)(a).
36	10	C.IX.b	RR	Recommend add 30 day notification for hangar inspection since many hangar owners travel and are not always readily available on short notice.	V12 Enterprises, LLC	We have revised the paragraph now designated C(IX)(b) to extend the inspection notice from 24 to 48 hours, to balance the enforcement and safety needs of the Airports Department with the convenience of Airport tenants.
37	12	D.II.m	RR	The FAA will publish a complete report and should be available to the airport. How will transient aircraft know the AOC phone number and notification requirement?	V12 Enterprises, LLC	As a condition of using the Airport, we presume that an Airport user is familiar with the Rules and Regulation. This is a matter of policy and fairness; we cannot exempt transient operators from regulations merely because they may, in practice, not be as familiar with them as are based operators. Thus, by distributing the AOC phone number in these Rules and Regulations--in this paragraph (formerly designated D(II)(m), now redesignated D(II)(d)) and in several other places throughout the Rules and Regulations--we assume that transient operators have received sufficient notice of that contact channel.

38	13	D.III.b	RR	Define aircraft cleaning. Is dusting or cleaning windscreens considered aircraft cleaning. If the concern is hazardous materials, then it's best to focus on the hazardous material vs soap, water, window cleaner, or polishing wax.	V12 Enterprises, LLC	We have removed the section formerly designated D(III).
39	13	D.III.c	RR	Remove this paragraph. Focus on hazardous materials and where to wash an aircraft that may dispense hazardous materials vs soap, water, window cleaner, or polishing wax.	V12 Enterprises, LLC	We have removed the section formerly designated D(III).
40	26	F.IV.j	RR	Is this addressing the south FBO or all building, including hangars, and the north FBO on the airfield. Aircraft, from time to time, park near a building and only allow enough space for a vehicle to safely pass between the aircraft and the building.	V12 Enterprises, LLC	We have removed this paragraph.
41	35	J.I.d	RR	24 hour notice is not enough time for aircraft owners who travel on a regular basis to be available for a hangar inspection. Recommend 30 day notice to align work schedule with inspection.	V12 Enterprises, LLC	We have removed this paragraph.
42	35	J.II	RR	Proper procedures and standards are needed if penalties are involved. It appears that almost all violations trigger the possibility of all penalties such as termination of lease for an improper parked car. It is important to recognize current and normal practices which don't cause safety or health issues.	V12 Enterprises, LLC	Please see our response to comment 22.
43	All	All	Both	The Airports Director is giving himself almost 100% power over everything and everyone, including the County Commissioners. The power or authority to interpret, change or enforce Rules and Regs as one person sees fit is absurd. One individual should not have the right to change, enforce or alter as they see fit. The power of the airport director having the right to evict, cancel leases, permanently remove someone from the airport, etc AT HIS/HER SOLE DISCRETION is not only absurd, but arguably illegal.	Ducharme	Please see our responses to comments 5, 57, and 59. We have better defined the Airports Director's policy authority and overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
44	All	All	Both	There are far too many sections in these documents to list individually that are vague and open to interpretation, which is conveniently left to the sole discretion of the Airports Director. The documents repeatedly state, "up to the sole discretion of the airport director."	Ducharme	Please see our responses to comments 5, 57, and 59. We have better defined the Airports Director's policy authority and overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.

45	All	All	RR	This document focuses predominantly on Rules and Penalties, instead of clear instructions for the operational use/needs of an airport.	Ducharme	Airport rules and regulations are generally regulatory documents that specify the rules for using an airport, rather than instructional or guidance documents regarding airport operations. The County offers further information regarding Airport operations on its Airports' websites, flydts.com and flycew.com. Those with further questions regarding Airport operations may contact the County online or via the phone number provided at https://flydts.com/contact-flydts-airport or https://flycew.com/contact-fly-cew-airport/ .
46	All	All	RR	The requirement for airport users to ask and receive permission for multiple ordinary/common tasks is unacceptable, especially given this airport director's track record of delayed and untimely responses.	Ducharme	Please see our responses to other comments for our positions on specific concerns. We have substantially revised, and shortened, the proposed Rules and Regulations to address those comments and provide a more-streamlined document.
47	All	All	Both	I fail to see how these drafts passed legal review. Rules should be put in place for all to understand, and not left up to one individual's interpretation.	Ducharme	Please see our responses to comments 5, 57, and 59. We have better defined the Airports Director's policy authority and overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
48		All	Both	I have been flying in and out of DTS for over 25 YEARS and have not had any problems with operations or issues at the airport including accidents or safety concerns. Maintenance and upkeep of our aircraft has been smooth and problem free.	Ducharme	The County appreciates this commenter's positive experience at DTS.
49	13	D.III.c	RR	Way too much power to the Airport Director, you can wash your airplane without permission	Meadows	We have removed the section formerly designated D(III).
50	5	C.I.g	RR	You can't drink a beer in your hangar	Meadows	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
51	5	C.I.j	RR	You can't play your radio in your hangar	Meadows	We have removed this paragraph in response to commenters' concerns.
52	10	C.XI.a	RR	Prohibiting non-Aeronautical property storage Is not in line with Federal Reg Vol 81, N115, II stating: "non-aeronautical items may be stored in hangers provided the items do not interfere with the aeronautical use of the hanger." Requiring written permission from the Airports Director for storing ANY and ALL such items is overly burdensome, and gives one person too much ultimate control of personal items stored in one's hanger.	Chernicky	Please see our response to comment 13.

53	13	D.III.b-c	RR	Wet or dry washing aircraft either in front of or inside the hanger should be performed Without Obtaining Permission from the Director. This is another overly burdensome and unreasonable proposed rule that again gives too much ultimate control to one position. Am I required to obtain Director permission before I wipe down or wash off my aircraft? How long do I have to wait for “permission,” or be cited for violation? This is ridiculous! Nowhere does it say the Director must respond in a timely manner.	Chernicky	We have removed the section formerly designated D(III).
54	5	C.I.g	RR	Personal consumption of alcohol should be allowed in the privacy of one’s hanger. I should be able to enjoy leisure time in my hanger with a beer while complying with FAA rules concerning Alcohol and flight time.	Chernicky	Please see our response to comment 9. We have revised the draft rule on alcohol consumption to accommodate tenants' concerns.
55	28	F.IV.j	RR	This is unclear. How far away is the aircraft from the building? 10 feet or 100 feet. Delete since this concern is addressed under item h.	Chernicky	We have removed this paragraph.
56	28	F.IV.k	RR	Since aircraft only taxi forward, shouldn’t ground vehicles maintain distances of 100 feet in front and 25 feet behind taxing aircraft?	Chernicky	We have revised this paragraph to require that ground vehicles yield to taxiing aircraft and maintain a safe distance of 25 feet in front of an aircraft and 100 feet to the rear to protect against jet blast. The County has also posted the FAA's Guide to Ground Vehicle Operations on the Airports websites for further guidance, at https://flydts.com/wp-content/uploads/2022/10/Ground_Vehicle_Guide.pdf .

57	41	AppxA.all	RR	<p>These fines are excessive! The Director is given the final decision on imposing fines and other penalties. But there also needs to be an appeal process for the Tenant above or independent of the Director. An arbitration clause needs to be added.</p>	Chernicky	<p>We have removed Appendix A entirely and moved enforcement and penalty provisions into proposed Section G (formerly Section J). Section G(II) now assigns the Board of County Commissioners, not the Airports Director, the authority to impose penalties for violations of the Rules and Regulations. Section G(II) now also requires the Airports Director to issue two written notices to cure violations of the Rules and Regulations before an Airport user will become subject to Board penalties for the first time. The Board will assign penalties, if any, after the matter is placed on the Board's agenda for consideration. This substantial revision shifts authority to the elected Board and provides for extensive procedural rights and cure opportunities to those accused of violating the Rules and Regulations.</p> <p>With respect to fine amounts, the new paragraph G(II)(b) sets an upper cap on monetary penalties of \$3,000 (or \$6,000 for repeat offenders) that the Board may assess, which reflects the cost to the Airport of bringing a matter to the Board for action, but the paragraph explicitly permits the Board to impose lower penalties, allowing the elected Board to respond appropriately to the nature of each violation. We reiterate, however, that the Board would only consider penalties against a first-time alleged violator after the Airports Director has issued two written opportunities to cure the alleged violation. Significant maximum monetary penalties not only deter substantial misconduct but also help offset the significant administrative costs of having the Board evaluate a violation and assess a penalty during a Board meeting. The new paragraph G(II)(b) also authorizes the Board to assess other, non-monetary penalties as it deems appropriate.</p>
58	35	J.II.a	RR	<p>This \$500 fine and misdemeanor or 60 pday imprisonment does not correspond to the fines listed on page 41.</p>	Chernicky	<p>Please see our response to comment 89. The misdemeanor penalties that a court may impose are separate from, and in addition to, any administrative penalties that the Board of County Commissioners may impose.</p>

59	1	A.I.c; A.IV	RR	These sections give the Airport Director total and absolute ability to interpret, apply and make new rules without any process for vetting or obtaining County Commission approval or input from pilots and hanger leases. This is far too much power in the hands of one individual. A five (5) member oversight board needs to be established to interpret or change these rules, and to hear an appeals from the Tenants. This oversight Board would have final authority above the Director. The board also needs to include representatives from the Tenants and pilots as well.	Chernicky	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations. With respect to section A(IV), please see our response to comment 60.
60	3	A.IV.a	RR	AD has excessive power. Can issue citations? What kind of citations? Is the AD also a trained law enforcement officer? Citations for parking violations? Proposed excessive hangar rules? Passengers with cocktails?	Allen	We have revised paragraph A(IV)(a) to make clear that the Board of County Commissioners, not the Airports Director, is the ultimate regulatory and enforcement authority for the Rules and Regulations. Furthermore, we have overhauled the enforcement section of the proposed Rules and Regulations (now Section G) to give the Board, not the Airports Director, the authority to issue fines and other substantive penalties.
61	4	B.I.b	RR	AD may impose rates/fees? How is one unelected county appointed servant have the authority to solely levy fees (which are too many already)? County officials must have this responsibility. They must approve any new or increases to current fees proposed by the AD.	Allen	Please see our response to comment 6.
62	5	C.I.g	RR	Alcohol not allowed in a hangar? Not allowed in an aircraft on the tarmac? Only those areas designated by AD? More citations? Perhaps public intoxication should be the trigger as current law covers.	Allen	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
63	6	C.IV.b	RR	This airport is not VPS. Many people have concealed weapons permits and carry daily. And most leave their weapons in their vehicles when traveling from airports, including VPS. Suggest this rule reflect that those with concealed permits must keep weapons secured in their vehicles while on airport.	Allen	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
64	34	J.I.c	RR	AD again administering PENALTIES. Explain to a judge how these imposed penalties are proven guilty before innocent by one person that is not a law enforcement officer.	Allen	Please see our response to comment 22.
65	35	J.I.b	RR	See above!	Allen	Please see our response to comment 22.

66	41	AppxA.I	RR	Fines are excessive for minor offenses. Categorize offenses/fines and make it make sense.	Allen	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
67	General	All	Both	You are tasking one person (with unlimited power and possibly many representatives) to provide law enforcement, real estate oversight and inspection and enforcement, FAA rules and regulation oversight and enforcement and aircraft maintenance oversight and enforcement. A thorough review of CFR Parts covering aviation is needed to provide a more cohesive document that incorporates rules already promulgated. The AD as described in this document has excessive power to delegate fines and administrative actions with potential for jeopardizing substantial amounts of money that could result in litigation against the county.	Allen	Please see our responses to comments 5, 57, and 59. We have better defined the Airports Director's policy authority and overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.

68	All	RR	<p>In general, the Rules and Regulations document contains a very overreaching set of rules and regulations. One has to wonder why it was generated since (to my knowledge) there have been no safety or security issues at KDTS.</p> <p>Further, granting a single government employee the ability to make rules, change rules and interpret rules with the added power to void long-term hangar leases over the smallest of infractions is probably the largest local government overreach proposal I have ever seen or heard of. Many airport tenants have made major capital investments in/to hangars and the Airports Director will basically function like a King ruling over the airport. One infraction for speeding would allow the Airports Director discretion to void a long-term hangar lease.</p> <p>From the R&R Document, Page 35, Section J,II paragraph d.2. "Violation of the Rules and Regulations may constitute default under a lease, permit, or agreement with the County, and in such event the County may pursue termination of such lease, permit, or agreement and eviction of the person that is party thereto."</p> <p>From the R&R Document, Page 35, Section J,II paragraph a. 1, "Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or by both. Such fine and/or imprisonment shall be at the discretion of the court adjudicating the violation."</p> <p>Just to be clear, "A misdemeanor is a type of offense punishable under criminal law." So, if I play tunes in my hangar, go over the speed limit, or commit any other minor infractions, it's a misdemeanor, and I can be imprisoned for up to sixty (60) days? Seems very excessive and all the power is placed in the Airports Director purview. Why does the county want to threaten pilots and hangar owners with criminal charges over minor administrative rules? Even misdemeanors can impact a high-level security clearance, which in turn can impact someone's job. What's the end</p>	Troop	<p>We acknowledge this comment's concerns. With respect to past safety or security incidents, please see our response to comment 69. With respect to the Airport Director's authority to apply rules and impose penalties, please see our responses to comments 5 and 57, respectively. With respect to the misdemeanor status of violations of the Rules and Regulations, please see our response to comment 89. With respect to other airport proprietors' policies, please see our response to comment 73.</p>
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				<p>game here? It looks to me like instilling fear into everyone at the airport is the goal.</p> <p>I have had hangars at four different airports over the past twenty years (KHHR, KTOA, KCPM and KDTS). I still have a hangar at KTOA. None have a document like what is proposed for KDTS. KTOA simply has a set of rules in the city ordinance. I have attached a copy for contrast.</p> <p>Overall, the document is petty, abusive, provides too much power to one government employee and very threatening to the long-term tenants. I suggest you trash it and start over with a set of rules that address recent serious security and safety issues at the general aviation airports (if there are any, I am aware of none).</p>		
69	1	A.I.a	RR	<p>Florida Statue 332.08 reads “(b)To adopt and amend all needful rules, regulations, and ordinances for the management, government, and use of any properties under its control,..” Of the Rules and Regulation Document, Section A, II paragraph a. states the purpose of these Rules and Regulations “are to promote the safe and secure and orderly use of the Airport.” Are all these new rules truly “needful”? What safety, security or unorderly has the airport logged over the past twelve months?</p>	Troop	<p>Given the passage of time since the current Rules and Regulations and Minimum Standards were adopted and the changes in the amount and intensity of activity at DTS and CEW, we believe these proposed Rules and Regulations and Minimum Standards are needed to apply modern standards to the kinds of commercial operations at DTS and CEW today. Ultimately, the Board of County Commissioner's will exercise its legislative discretion to determine if they are needful and act accordingly.</p>

70	1	A.I.b	RR	“guidelines” should be removed. Guidelines are normally a suggested approach or best practices and not something someone is “subject” to.	Troop	We included the term "guidelines" largely to ensure compliance with the County's federal grant obligations. Grant Assurance 1 provides that the County "will comply with all applicable Federal laws, regulations, executive orders, policies, <i>guidelines</i> , and requirements as they relate to the application, acceptance, and use of Federal funds for" a given grant (emphasis added). The FAA publishes a wide range of guidelines regarding airport operations and management to which the FAA expects airport sponsors to comply as a condition of their grant obligations. Therefore, we have included the term "guidelines" in the draft Rules and Regulations.
71	1	A.I.c	RR	Entire paragraph gives the Airport Director too much power. Makes the rules, interprets the rules and can change the rules.	Troop	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
72	1	A.I.c	RR	Allowing the Airport Director to change rules and orders as they deem appropriate without any process for vetting and County Commissioner approval seems reckless. The penalty for violating any rule, policy or standards can be the loss of a hangar lease. These should not be changed without proper socialization with airport stakeholders (including pilots and hangar lessees, coordination and approval of County Commissioners, and potential approval of the Destin City Council. Further they should be publicized with proper education for pilots and hangar lessees.	Troop	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.

73	2	A.II.a	RR	What safety, security or disorderly incidents were documented and logged over the past twelve month at KDTS or KCEW to prompt the County to propose such incredible power to the Airports Director? I have/had hangars at four different airports, none have/had a Rules and Regulation document like this. I still have a hangar at KTOA. They have a section in the Torrance City Ordinances regarding the airport (attached) and follow FAA Advisory Circulars, TSA guidance, and hangar agreements. The Torrance City Ordinances regarding the airport are less than half the pages of the proposed KDTS/KCEW Rules and Regulations and cover a lot more in scope (Traffic and Training Patterns, Take Off and Landings, where aircraft are to park, taxiing, Noisy operations, aircraft equipment, radio equipment, etc.).	Troop	Please see our response to comment 69. Further, rules and regulations for different airports will often be very different based on local conditions, historic practices, and age of the documents. The overall form and substance of the proposed rules and regulations are consistent with modern best practices for such documents and address commonly encountered issues a general aviation airports. The draft was reviewed by the Orlando Airports District Office of the FAA, who did not note any issues or concerns with the scope or detail of the draft.
74	2	A.IV	RR	How much flexibility with the Airports Director have in interpreting the rules? What citations will the Airports Director be able to issue? Will he or she be deputized? Why would one person have so much power?	Troop	Please see our response to comment 60.
75	5	C.I.g	RR	I've never been to a General Aviation (GA) Airport where the pilot community did not have social events at their hangars that included snacks and some beer. The Destin Airport is a community of pilots. What's the point of this new rule?	Troop	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
76	7	C.IV	RR	What if someone wants to take their rifles to the hunting camp or on a hunting trip out of state? People have been doing this nationwide for as long as I can remember from GA airports.	Troop	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
77	5	C.I.j	RR	"No person shall operate a sound amplification system on the Airport without the written permission of the Airports Director." So .. I can't play a stereo in my hangar while I tinker with my plane? That may not be what you meant, but that is up to the Airports Director's interpretation, and I could technically lose my hangar lease for playing a stereo inside my hangar with the door shut. You need to be clearer on what is prohibited.	Troop	We have removed this paragraph in response to commenters' concerns.
78	7	C.IV.b	RR	What if someone wants to take their legal pistol to another state that recognizes their right to carry a concealed weapon. Is this really an issue from a GA airport? What if a celebrity comes into	Troop	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.

				KDTS with their security team. Are they authorized to bring their legal weapons on the plane?		
79	8	C.IV.f	RR	Are there plans to adopt a TSA-approved Airport Security Program at KDTS or KCEW? How will this plan be socialized and who will approve such an initiative?	Troop	The County does not currently plan to adopt such a program at the Airports. The Rules and Regulations merely address the possibility in the event the County were to adopt such a program.
80	8	C.VIII.a	RR	Remove entire paragraph. Once again trying to intimidate citizens from exercising their right for fear of losing their hangar lease.	Troop	This paragraph (redesignated C(VI)(b)) requires a permit for protests on the Airport. This policy allows for reasonable "time, place, and manner" restrictions to protect the safe, orderly, and efficient operation of the Airport. Similar requirements are common at other airports and other public facilities across the country, and the County believes that paragraph C(VI)(b) fully respects First Amendment rights. For greater certain, paragraph C(VI)(c) expressly states that section C(VI) does not permit the denial of any First Amendment rights or similar statutory rights to free expression. The County has no intention of intimidating individuals from exercising their rights.
81	10	C.XI.b	RR	"unless explicitly precluded by a lease, license, contract, or other agreement with the County." Should be moved to section C(XI)a. The inspection is not precluded by the lease, it is the banning of non-aviation items in the hangar the is precluded by the lease.	Troop	Paragraph C(XI)(b), which we have now redesignated C(IX)(a), is intended to provide that the Airports Department may inspect any hangar or similar facility unless a lease or similar agreement prohibits or limits such inspection.
82	12	D.II.f	RR	We enplane and deplane outside of our hangars. Will these areas be designated by the county as enplaned and deplaned areas?	Troop	We have removed this paragraph.
83	13	D.III.a-c	RR	Please confirm this does not apply to a hangar lessee washing their own plane. Many hangars have water.	Troop	We have removed the section formerly designated D(III).

84	28	F.IV.j	RR	<p>“No vehicle may pass between a parked aircraft and an adjacent Airport building, except for authorized County vehicles, emergency equipment, and those vehicles servicing the aircraft.” Is a hangar an airport building? If so, it will be almost impossible to enter or exit the airport from our designated access point. What about the North FBO? We sometimes are forced to use the North FBO gate if other access point (gate) is down. There are aircraft parked north of the FBO which will require us to drive between that airport building and the parked aircraft to reach that gate. What is the purpose of this rule? Have there been incidences of aircraft damage or injury that have prompted this rule?</p>	Troop	We have removed this paragraph.
85	35	J.II.d	RR	<p>“Violation of the Rules and Regulations may constitute default under a lease, permit, or agreement with the County, and in such event the County may pursue termination of such lease, permit, or agreement and eviction of the person that is party thereto.” So, if I play tunes in my hangar, go over the speed limit, or commit any other small violation it is at the Airports Director’s discretion to terminate my lease. Way too much power put in the Airports Directors position.</p>	Troop	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
86	36	J.III.B	RR	<p>“The County Administrator may elect to hear a verbal presentation of the appeal, request a written appeal and submission of documentary evidence, or appoint a hearing officer to hear the appeal. The decision of the County Administrator or hearing officer, if one is appointed, shall be final.” Is the County Administrator or a hearing officer required to hear an appeal or is it at their discretion? If it is at their discretion, the Airports Director has way too much power.</p>	Troop	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.
87		J.I-II.a	RR	<p>It appears that the Airports Director can change the rules; however, without the requirement to publish the rule changes or additions for comment. All rule changes or additions should be handled in a manner consistent with the process used to finalize the currently proposed Minimum Standards and Rules & Regulations Updates .</p>	Troop	Please see our responses to comments 5 and 60 regarding the substantial changes we have made to the proposed sections on rulemaking authority. Also, please see our response to comment 57 regarding the enforcement process.

88		All	RR	<p>The title of the Matrix document “Rules & Regulations Updates” indicates this is an update to an existing document. The current rules and regulations documents should have been the source document with redline changes so that reviews can evaluate the magnitude of additional rules and regulations be added.</p>	Troop	<p>The County is releasing, on its Fly DTS website (flydts.com), a table that compares each provision of the proposed Rules and Regulations and Minimum Standards with the corresponding provision, if any, of the existing Rules and Regulations or Minimum Standards. We anticipate that that this document will make it convenient for Airport tenants and members of the public to compare the existing and draft documents. Given the substantial revisions we have made to modernize these documents, which are now several decades old, a redline markup would be essentially useless, as most of the wording--including the name of one of the two Airports--has changed.</p>
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89	35	J.II.a	RR	<p>The document indicates that “Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or by both. Such fine and/or imprisonment shall be at the discretion of the court adjudicating the violation”.</p> <p>Is it even legal for a government bureaucrat to create rules that result in a criminal offense (misdemeanor) without some type of state or county legislation? Why would one be “deemed guilty” prior to a trial? I thought in this country one was innocent until proven guilty. This sentence pretty much sums up the tone of the document.</p>	<p>The paragraph regarding misdemeanor penalties for violation of the Rules and Regulations has been redesignated G(II)(c). This comment answers several questions regarding that paragraph.</p> <p>1. This provision is taken from the existing Rules and Regulations:</p> <p>The language of paragraph J(II)(a) was taken verbatim from the County's existing Rules and Regulations, as enacted by the Board in 1978. Existing section 3-93 of the County Code (the "Penalties" section of the existing Rules and Regulations) states, in full:</p> <p>"Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days, or by both. Such fine and/or imprisonment to be at the discretion of the court."</p> <p>2. Why violation of the Rules and Regulations is a misdemeanor:</p> <p>Paragraph G(II)(c) merely reiterates Florida state law. Under Florida law, violation of airport regulations "is a misdemeanor of the second degree," punishable by up to 60 days' imprisonment and up to a \$500 fine. See sections 332.08(2), 775.082(4)(b), and 775.083(1)(e) of the Florida Statutes (respectively declaring violations of airport regulations a second-degree misdemeanor, setting the maximum prison sentence for second-degree misdemeanors, and setting the maximum fine for such violations).</p> <p>Thus, even if paragraph G(II)(c) were removed from the Rules and Regulations, such removal would not reduce an individual's exposure to criminal liability for violating the Rules and Regulations. Paragraph G(II)(c) simply describes state law.</p> <p>3. "Deemed guilty":</p> <p>"Deemed guilty" is merely a phrasing convention that appears in various federal and Florida state statutes. A person is only "deemed guilty" of committing a misdemeanor if, in fact, they are adjudged (by a court) to</p>
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have violated the Rules and Regulations. Nothing in paragraph G(II)(c) is intended to constrain any person's due process rights, including the right to have any misdemeanor charges adjudicated in a court of law.

However, to avoid any confusion, we have added language to paragraph J(II)(a) to clarify that one may only be "deemed guilty" of a misdemeanor upon conviction by a court, and that nothing in the Rules and Regulations constrains an individual's right to due process.

For reference, following are several examples of federal and Florida state statutes that use the "deemed guilty" language:

Federal:

- 16 U.S.C. § 26 ("Any person or persons [...] receiving for transportation any of the said animals, birds, or fish so killed, taken, or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding \$300.");

- 15 U.S.C. § 50 ("Any person who shall [commit various acts] shall be deemed guilty of an offense against the United States");

-42 U.S.C. § 1307(a) ("Whoever, with the intent to defraud any person, shall make or cause to be made any false representation concerning the requirements of this Act, [...]knowing such representations to be false, shall be deemed guilty of a misdemeanor[.]")

Florida:

- Fla. Stat. § 201.12 ("any such clerk who knowingly fails to report any such violation within 30 days after recording of any taxable instrument or document, without such stamps or notation, shall be deemed guilty of a misdemeanor and upon conviction punished accordingly");

- Fla. Stat. § 713.58(4) ("Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine of not more than \$500 or imprisonment in the county jail for not more than 3 months.");

						- Fla. Stat. § 818.05(2) ("Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor of the second degree[.]").
90	35	J.II.a	RR	“Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor..” So, if I play tunes in my hangar, go over the speed limit, or commit any other small violation it is a misdemeanor, and I can be imprisoned for up to sixty (60) days? Seems excessive and all the power is placed in the Airports Director purview.	Brown via Troop	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. The Airports Director is not authorized to adjudicate criminal or administrative penalties; the courts would adjudicate misdemeanor allegations, while the Board of County Commissioners would handle referrals from the Airports Director to consider administrative penalties.

91	1	A.I.a	RR	The City of Destin has recognized the economic gain provided by airport and is consider a municipality per Florida Statue 332.01. The airport is located within the City of Destin. Florida Statue 332.11"Cooperation of authorities" states, —"It shall be lawful for and full power and authority is hereby conferred upon municipalities in any area of the state to cooperate in the exercise of the powers and authorities conferred upon municipalities under the provisions of ss. 332.01-332.12, and such municipalities shall share in such exercise of power and authority equally or upon such other terms as may be mutually agreed upon between said municipalities. Since these new Rules and Regulations could have a significant impact on the Destin Airport operations and thus economic impact, has the document been shared and coordinated with the Destin City Council?	Brown	As the sponsor of DTS (and CEW), the County has responsibility for their operation and management. Section 332.11 of the Florida Statutes does not grant the City of Destin regulatory authority over DTS. However, the County has engaged the City of Destin with respect to this update to the Rules and Regulations and Minimum Standards. The County provided the City with information regarding this update, including its proposed schedule for revising the documents. A public meeting regarding these revisions was posted in the City's own website calendar, and the August 24, 2022 public meeting regarding these revisions was held in the Destin City Council chambers. Recent studies show that the economic impact of DTS to the City of Destin has been substantial, and the County expects DTS to continue provided significant benefits to the City, both economically and with respect to transportation.
92	3	A.IV.a	RR	One should not have to request a copy of the Rules and Regulations. They should be made available via an airport website for pilots flying into the area. Also, a hardcopy should be provided to a potential hangar lessee prior to executing a new hangar lease.	Brown	It will not be necessary to request a copy of the Rules and Regulations. The County will post the final Rules and Regulations and Minimum Standards on its Airports websites and distribute copies to current tenants. In addition, we have created a standalone paragraph A(IV)(e) to formally require that the Rules and Regulations be made available in electronic or hard-copy format.
93	4	B.I.b	RR	Is this a new authority? It seems like the County Commissioners and perhaps even the City of Destin would have some input and approval of fee changes and/or additions. Excessive fees could have an impact on airport use and the economic benefits are important to both the county and City of Destin.	Brown	Please see our response to comment 6.
94	5	C.I.j	RR	"No person shall operate a sound amplification system on the Airport without the written permission of the Airports Director." So .. I can't play a stereo in my hangar while I tinker with my plane? That may not be what you meant, but that is up to the Airports Director's interpretation, and I could technically lose my hangar lease for playing a stereo inside my hangar with the door shut. You need to be clearer on what is prohibited.	Brown	We have removed this paragraph in response to commenters' concerns.

95	8	C.VI.c	RR	It is against the law to interfere with a law enforcement officer's official duties. There is no need to repeat Florida Law here. It appears this paragraph is included to intimidate citizens from photographing or recording something they see that disturbs them for fear of losing their hangar lease. The entire paragraph should be removed.	Brown	We have removed this section.
96	8	C.VIII.a	RR	Remove entire paragraph. Once again trying to intimidate citizens from exercising their right for fear of losing their hangar lease.	Brown	Please see our response to comment 80.
97	10	C.XI.b	RR	"unless explicitly precluded by a lease, license, contract, or other agreement with the County." Should be moved to section C(XI)a. The inspection is not precluded by the lease, it is the banning of non-aviation items in the hangar the is precluded by the lease.	Brown	Please see our response to comment 81.
98	35	J.II.a	RR	"Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor.." So, if I play tunes in my hangar, go over the speed limit, or commit any other small violation it is a misdemeanor, and I can be imprisoned for up to sixty (60) days? Seems excessive and all the power is placed in the Airports Director purview.	Brown	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor.
99	36	J.III.b	RR	There is no timeframe for the Airports Director to respond on a reconsideration. There should be.	Brown	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.
100	35	J.II.d	RR	"Violation of the Rules and Regulations may constitute default under a lease, permit, or agreement with the County, and in such event the County may pursue termination of such lease, permit, or agreement and eviction of the person that is party thereto." So, if I play tunes in my hangar, go over the speed limit, or commit any other small violation it is at the Airports Director's discretion to terminate my lease. Way too much power put in the Airports Directors position.	Brown	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.

101		All	RR	<p>General Comment; I Scott Cunningham (Aero Marine LLC Hanger 1 Block 1) have been involved in General Aviation for over 40 years. It is a big part of my life, family, and business. I have experience of sitting on the Clayton County Airport Authority Board in Georgia for 7 years serving as Chairman for 2 of those. Having family in Destin for more than 30 years and living here myself since 2014. As a Private Pilot the Destin Airport has been in the past a very nice, happy airport and it is sad to see what has been happening over the past couple of years. The General aviation community is a very close group of accomplished individuals that have a huge investment of both time and money into their passion of owning and operating airplanes. Pilots are highly trained, licensed, insured and safe individuals. The aircraft require constant maintenance without compromise. It appears the County does not understand the difference between a Commercial Airport, VPS and the General Aviation Airports at DTS and CEW. As both are governed by the FAA rules the unique position of VPS being on a Military airfield lends itself to a lot of different challenges that do not apply to DTS or CEW. The Board I sat on in Georgia had a similar situation of having Atlanta Hartsfield Airport (the busiest airport in the world) and a General Aviation Airport in the same County. Their solution was to Have a Separate Airport Board for the General Aviation airport that had a cross section of business minded and aviation minded individuals that made the decisions for the benefit of both the County and the aviation community. It is my hope that the Board Of commissioners will look deep into the interworkings of one of the communities most valuable assets, Destin Executive Airport.</p>	Cunningham, Sr.	<p>We appreciate this feedback on our draft Rules and Regulations. Any Airport users, or other members of the public, with suggestions regarding the operation or organization of the Airports are welcome to share their perspectives with the Airports Director, the Okaloosa County Aviation Board, or the County's Board of County Commissioners.</p>
102	1	A.I.c	RR	<p>This provision authorizes the Airport Director to make rules without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners</p>	Cunningham, Sr.	<p>Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.</p>

103	4	B.I.b	RR	This provision allows the Airport Director to set rates – without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners	Cunningham, Sr.	Please see our response to comment 6.
104	4	B.I.d	RR	Reserving the right to approve fees by third parties is price controls which is outside the County’s authority	Cunningham, Sr.	Please see our response to comment 7.
105	4	B.II.a	RR	Airport Director to adopt rates and charges without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners	Cunningham, Sr.	Please see our response to comment 8.
106	5	C.I.g	RR	Prohibit consumption of alcohol except in designated areas. On it face would prohibit passengers from having a drink inside an aircraft while on the ground or having a drink inside a hanger	Cunningham, Sr.	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
107	7	C.IV.a	RR	Prohibits any firearms except by law enforcement. Would make it illegal to have weapon in car or on airplane even with concealed weapons permit	Cunningham, Sr.	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
108	8	C.V.a	RR	Prohibits signs without Director approval – interior or exterior – unreasonably requires written approval for signs inside hanger such as “Restroom” or “Trash Bin”	Cunningham, Sr.	Please see our response to comment 11.
109	9	C.X.a	RR	No residential use – some hangers have “apartments” for permanent crew	Cunningham, Sr.	Please see our response to comment 12. As a federally obligated sponsor, the County must follow FAA policy, which expressly disapproves the use of hangars or other airport facilities for residential use.
110	10	C.XI.a	RR	No storage in hanger for anything but aircraft & support – i.e. no cars or household goods. What about spare parts or supplies for future flights? What is the purpose of this major change from usual and customary usages of hangers	Cunningham, Sr.	Please see our response to comment 13.
111	11	D.I.e	RR	Director can prohibit or limit aircraft operations and personal access – no requirement for reasonableness and no standards provided to prevent arbitrary and capricious exercise of power	Cunningham, Sr.	We have removed this paragraph.

112	13	D.III.a-c	RR	The proposed rules restrict all maintenance and cleaning to areas designated by the Director and limits washing to “dry” washing unless approved by the Director. This appears to be overly restrictive, inconsistent with normal practices and impractical. Cleaning typically occurs within hangers. There is no clarity as to the type of cleaning and maintenance. Is vacuuming the interior cleaning? Is tightening a screw maintenance?	Cunningham, Sr.	We have removed the section formerly designated D(III).
113	14	D.VI.b	RR	Anyone performing self-servicing must be trained and/or certified. “Self-servicing” is way to broad a term. Does it apply to fixing passenger seatbelts, charging a battery, tightening a screw and many other jobs typically done by owners and crew without any special training or certification	Cunningham, Sr.	We have removed this paragraph.
114	16	E.IV.j	RR	Draft rule prohibits starting an engine within 50 feet of any volatile fluid without a definition of volatile – is a can of oil volatile.	Cunningham, Sr.	We have removed this paragraph.
115	26	F.II.a	RR	No commercial ground transportation at or from airport without permission. This is not VPS, owners and crew frequently take UBER, LIFT or taxi to DTS and see no reason why special licenses and fees should apply to DTS	Cunningham, Sr.	Please see our response to comment 18.
116	27	F.III.a	RR	Vehicle parking and standing only in designated areas. Not realistic as typically vehicles drop off/pick up passengers and luggage at aircraft side	Cunningham, Sr.	Please see our response to comment 19.
117	28	F.IV.j	RR	No vehicle can pass between a parked aircraft and a adjacent building. Really? How will owners get their cars in/out of a hanger without passing by their parked aircraft.	Cunningham, Sr.	We have removed this paragraph.
118	34	J.I.c	RR	Director investigates violations and imposes penalties. Is this the equivalent of police/jury/judge all rolled into one. Where is due process.	Cunningham, Sr.	Please see our response to comment 22.
119	35	J.II.a	RR	Rule violation is a misdemeanor and can be punished by fines and imprisonment and both. No standards, no due process, no checks, and balances. Jail for a parking violation, for cleaning an aircraft windshield? An independent judicial authority should be the only party authorized to determine and impose penalties.	Cunningham, Sr.	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. The Airports Director is not authorized to adjudicate criminal or administrative penalties; the courts would adjudicate misdemeanor allegations, while the Board of County Commissioners would handle referrals from the Airports Director to consider administrative penalties.

120	41	AppxA.II.a	RR	Director authorized to impose all manner of penalties including cancellation of lease, evictions, denial of right to operate an aircraft, impounding of an aircraft, etc. No standards, no due process, no judicial review, no ranking of violations and matching with penalties. Hanger lessees have spent literally hundreds of thousand dollars on their leases and hangers. Providing the Director, the ability to take such actions at the Director's discretion amounts to unlawful taking. Again, this is the purview of a court not an administrative position.	Cunningham, Sr.	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
121	1	A.I.c	RR	In this sentence the airport director is not only given power to make regulations, but he is the one to determine whether those regulations are appropriate. There is no requirement for any input or oversight by those affected by his decisions.	White	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
122	2	A.II.a	RR	In this sentence the purpose of these regulations is to promote safe, secure, and orderly use of the airport. Of course, this goal is extremely important, but we must also want to promote general aviation at both airports. These goals are not conflicting. An airport can be safe, secure, and orderly, and be friendly toward the users of the airport who want to visit or reside in our community.	White	We appreciate this comment and note that we have made a number of changes to the draft Rules and Regulations and Minimum Standards in response to comments from users to better balance the need for appropriate regulation with the need to promote general aviation and make DTS and CEW attractive places for aviators to enjoy their past time and professions.
123	2	A.IV.a	RR	The director can interpret and apply the rules and regulations, authorize citations, but as judge and jury and executioner, he can decide whether an aircraft owner is complying or not, at his whim. Again, there is no provision for oversight or appeal.	White	Please see our response to comment 60.
124	5	C.I.g-k	RR	These regulations relate to personal conduct of people at the airport: there are rules against any obscenity, gambling, disorderly conduct, consumption of alcohol or smoking, except in designated areas (not listed or defined). What is a sound amplification system? Not allowed to play a radio or sound system in the hangar? Trash in designated receptacles? There are no designated receptacles. (We would welcome some)	White	Please see our responses to comment 9 regarding alcohol. We have removed provisions regarding sound amplification and trash receptacles, though the County is glad to work with Airport users regarding placing trash receptacles at the Airport.

125	6	C.II.a,d	RR	Travel in the airport and hangar area is restricted to roads and sidewalks or marked rights of way: NONE OF WHICH EXIST! Access to the airport operations area is to be restricted to those with a "badge". This is a regulation that applies to airports with commercial airlines. It would require everyone to go through security training, and would require 1) burdensome training, photographing, background checks (who will pay for this?) 2) that all arrivals be escorted by badged personnel off the field and on to the field. 3) would not allow friends and family of hangar owners to be at the hangar without an escort 4) Mechanics would have to be badged or escorted Who will pay for this? To what purpose?	White	We have removed the proposed paragraph regarding roads and sidewalks. We have also removed various badging requirements from the proposed Rules and Regulations.
126	7	C.IV.b	RR	This regulation would conflict with Florida law allowing licensed personal carry of a firearm. Do we want to incur the price of a massive legal battle over this one? Again, to what purpose? Who will we have pay to enforce this regulation??	White	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
127	11	D.I.c	RR	This is an incorrect regulation proposed in that it is a misinterpretation of an FAA requirement when the tower is not in operation. Contact must be established with approach control, or departure control, NOT Eglin Tower. Of course this is just a misinterpretation by someone who does not fly	White	Please see our response to comment 159.
128	13	D.III	RR	This segment prescribes various rules for washing or maintenance or painting aircraft. It was perhaps copied from the regulations at an airport with a painting shop and a washing area, which this airport does not. It also refers to concerns about storm water drainage. Could this mean that my hangar will no longer flood with a heavy rain? Have we finally obtained storm water drainage? No amount of airplane cleaning would flood my hangar or any other hangar. Is the airport director going to be on 24 hour call to give permission for cleaning or necessary maintenance?	White	We have removed this section.
129	31	G.II.j	RR	Waste material to be placed in designated receptacles. There are none.	White	We have removed Section G entirely.
130	33	H.II	RR	This series of regulations refers to the badge concept and its proposed restrictions. An expensive bureaucracy that does not have a purpose	White	We have removed Section H entirely.

131	C.I.j	RR	Sect C, I, j. No person shall operate a sound amplification system on the Airport without the written permission of the Airports Director. This would be a burden for the Director to manage and is a trivial matter in the grand scheme of things.. The Airport Director should not have to concern themselves with trivial matters like this. If I want to play some music in my hanger while tidying up, that has no impact to the safety or operations of the airport.	Ciambra	We have removed this paragraph in response to commenters' concerns.
132	A.I.c	RR	The Airports Director is authorized to interpret and apply the Rules and Regulations as he or she deems appropriate...Furthermore, in the event of any contingency not specifically covered in these Rules and Regulations, the Airports Director shall be authorized to make such rules, orders, and decisions as the Airports Director reasonably deems appropriate. Rules and regulations should be written in a way so that there is no room for interpretation. This section opens the door for the Airport Director to essentially make their own rules, which is not their role.	Ciambra	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
133	J.II.a	RR	Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or by both. This is illegal. If you combine this section with section A, I, c, and section C, I, j, the Airport Director could interpret a car stereo being played while driving into the facility as a violation of the regulation around sound amplification. Now, people listening to the radio in their car are subject to being considered guilty without due process for a misdemeanor and face a \$500 penalty or 60 days in jail? Do you nazi why that is bad?	Ciambra	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. The Airports Director is not authorized to adjudicate criminal or administrative penalties; the courts would adjudicate misdemeanor allegations, while the Board of County Commissioners would handle referrals from the Airports Director to consider administrative penalties.

134		J.II.a	RR	<p>Violation of the Rules and Regulations may constitute default under a lease, permit, or agreement with the County, and in such event the County may pursue termination of such lease, permit, or agreement and eviction of the person that is party thereto. These rules were not in place when people purchased their hangers, so it is not legal to impose them upon existing owners without their consent after the fact.</p>	Ciambra	<p>As paragraph A(III)(b) provides, the Rules and Regulations "shall apply to all persons have a lease, permit or agreement to the County <i>to the fullest extent permitted under such lease, permit or agreement[.]</i>" Thus, if a provision in the Rules and Regulations is incompatible with or prohibited by the terms of an existing lease, permit or agreement, such provision would not apply. However, in cases where the lease, permit or agreement does not prohibit application of the revised Rules and Regulations, we see no legal problem with enforcing those provisions.</p>
135		J.II.f	RR	<p><i>The Airports Director may waive the imposition of any penalties prescribed herein upon the successful completion of corrective action, as determined by the Airports Director, by a person who has violated the Rules and Regulations.</i></p> <p>This section sets the stage for a “good old boy” culture at the airport. Again, rules must be written in a way that there is no room for interpretation. For example, if you want to impose a noise ordinance, you must clearly define things like the hours that the ordinance is enforced, the allowable decibel level and how you will prove parties have violated the ordinance. This is a wide-open wishy washy section that doesn’t appear to be written by someone who understands how rules and regulations work and is hoping to give the Airport Director absolute power and authority to enforce or not enforce whatever rules they deem appropriate on any given day.</p>	Ciambra	<p>We have removed this paragraph.</p>
136		D.III.c	RR	<p><i>Any person intending to wash an aircraft, whether by wet or dry washing, shall first obtain the permission of the Airports Director and comply with any directions that the Airports Director provides.</i></p> <p>This section is, again, putting too much on the Airport Director. It is reasonable to have rules around the appropriate manner, location, time, materials etc. related to washing an aircraft at this facility, but to have to request permission to perform a common activity like keeping the aircraft clean accomplishes nothing.</p>	Ciambra	<p>We have removed the section formerly designated D(III).</p>

137	D.III.b	RR	<p><i>Aircraft cleaning shall be performed only in those areas and in the manner prescribed by the Airports Director. The manner in which cleaning shall be performed should be specifically defined in the rules and not something that is “prescribed” by the Airports Director as this creates an environment where the director can be biased.</i></p>	Ciambra	We have removed the section formerly designated D(III).
138	F.IV.a	RR	<p><i>Any person operating a motor vehicle within the AOA shall have satisfactorily completed all training, and obtained and hold current all licenses, that the Airports Director may require to operate a motor vehicle within the AOA, except for (i) drivers of authorized emergency vehicles or (ii) drivers of vehicles who are escorted by Airport or FBO personnel who are duly qualified to operate a motor vehicle within the AOA.</i></p> <p>How are you going to enforce this? Is the Airport Director going to have the authority to pull people over and check against this requirement? How are they going to be able to perform that task while simultaneously approving if you can clean your aircraft or if you have violated the sound amplification rule by listening to the radio while driving the vehicle?</p>	Ciambra	The County hopes that Airport users will comply with the Rules and Regulations in good faith. However, the County and the Sheriff's Office will be able to exercise their respective lawful authorities to enforce the Rules and Regulations as appropriate.
139	H.II.c	RR	<p><i>Sect H, II, c. It shall be unlawful, and grounds for immediate confiscation, suspension, and possible permanent revocation of a badge or other authorization to access the AOA, for any person to:</i></p> <p><i>1. Be in the fenced AOA area without an escort or a badge.</i></p> <p>Only FAA designated Part 139 airports require this level of security. Destin is NOT a Part 139 airport.</p>	Ciambra	We have removed Section H entirely.

140		F.IV.a	RR	<p><i>Any person operating a motor vehicle within the AOA shall have satisfactorily completed all training, and obtained and hold current all licenses, that the Airports Director may require to operate a motor vehicle within the AOA, except for (i) drivers of authorized emergency vehicles or (ii) drivers of vehicles who are escorted by Airport or FBO personnel who are duly qualified to operate a motor vehicle within the AOA.</i></p> <p>How are you going to enforce this? Is the Airport Director going to have the authority to pull people over and check against this requirement? How are they going to be able to perform that task while simultaneously approving if you can clean your aircraft or if you have violated the sound amplification rule by listening to the radio while driving the vehicle?</p>	Ciambra	Please see our response to comment 138.
141		J.II.f	RR	<p><i>The Airports Director may waive the imposition of any penalties prescribed herein upon the successful completion of corrective action, as determined by the Airports Director, by a person who has violated the Rules and Regulations.</i></p> <p>This section sets the stage for a “good old boy” culture at the airport. Rules must be written in a way that there is no room for interpretation.. This is a wide-open section that doesn’t appear to be written by someone who understands how rules and regulations work and is hoping to give the Airport Director absolute power and authority to enforce or not enforce whatever rules they deem appropriate on any given day.</p>	Ciambra	We have removed this paragraph.
142		J.II.d	RR	<p><i>Violation of the Rules and Regulations may constitute default under a lease, permit, or agreement with the County, and in such event the County may pursue termination of such lease, permit, or agreement and eviction of the person that is party thereto.</i></p> <p>These rules were not in place when people purchased their hangers. The rules in the contract can not be changed without the consent of the owner.</p>	Ciambra	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.

143	3		MS	Provision needed for specialized avionics, engine, prop, or instructors –type specific not found on field for transient & based A/C.	Lee	The Minimum Standards allow Itinerant Operators to provide such services. Furthermore, no operating agreement is required for emergency or warranty work that cannot be provided by a local service provider.
144	26		MS	Not traditionally FBO functions-Overly restrictive	Lee	We have revised the flight training and air taxi/charter requirements for FBOs so they are not mandatory service, which is consistent with the current Minimum Standards.
145	29		MS	Four place retractable—Should have provision for complex fixed gear ie. Cirrus etc. Few SE retractables in todays market	Lee	We have removed the requirement that a commercial Aircraft Rental operator have a four-place retractable gear aircraft.
146	32		MS	“Multi-engine charter” too restrictive. Many IFR charter companies use SE turboprops ie. PC-12 etc.	Lee	We have removed the requirement that a commercial charter operator have a multi-engine aircraft.
147	36		MS	Multi-engine instructor unduly restrictive for small flight school. Wording not specific for instrument instructor which would be more practice.	Lee	We have removed the requirement that a flight school have an instructor rated for multi-engine operations.

148	44		MS	Why not store tools / supplies in client leased hangar? Overly restrictive.	Lee	The restriction on storing tools, supplies, and equipment applies only to itinerant operators who, by definition, do not lease space on the airfield. Pursuant to the County's FAA grant assurances, the County must allow competition among commercial aeronautical users on fair, and not-unjustly-discriminatory terms. Allowing an operator to use space on the airport without a lease raises concerns of unjust discrimination with respect to the FBO and other based commercial operators. The County recognizes that there is demand for certain itinerant aeronautical services and believes it can appropriately accommodate that demand without unjust discrimination toward competing based operators by limiting the scope of services the itinerant operator can provide to the things a hangar tenant could do in his or her own hangar and by requiring the itinerant operator to store all of his or her tools, equipment, and supplies off-airport. That prevents the itinerant operator from having the advantages of a leased space without paying rent. Further, we have revised the space requirement for a maintenance provider to require only 1,000 square feet of leased space to allow greater flexibility in the range of services a based maintenance provider may choose to provide. Nothing in this section would prevent an aircraft operator from storing his or her own tools, equipment, or supplied in his or her hangar (if permitted by the lease) and allowing the itinerant operator to use those things on the hangar tenant's own aircraft.
149	4	B.I.b	RR	“The Airport Director may impose”, the county commissioner should impose and direct THE DIRECTOR to administer. This has been written like The director is the dictator. This is worded to take all liability off elected officials and creates an Airport DICTATOR.	Cutts	Please see our response to comment 6.
150	4	B.II.a	RR	“The Airport Director may adopt and direct”, the county commissioner should approve any changes and direct THE DIRECTOR to administer. This has been written like The director is the dictator. This is worded to take all liability off elected officials and creates an Airport DICTATOR.	Cutts	Please see our response to comment 8.
151	5	C.I.e	RR	Is this an issue, its illegal in Florida and does not need to be duplicated.	Cutts	We have removed this paragraph in response to commenters' concerns.

152	5	C.I.g	RR	Pilots are the strictest on alcohol use, but after you land it has been a common practice to sit and “Hangar fly” an have a beer with your friends. Is the County now going to END this long-standing tradition?	Cutts	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
153	5	C.I.j	RR	Does this include Radios and Bluetooth Speakers? I believe this is written vague like MANY other items so THE AIRPORT DICTATOR may “interpret” how he wishes.	Cutts	We have removed this paragraph in response to commenters' concerns.
154	1	A.I.c	RR	“The Airports director is authorized to INTERPET...”, The documents are written vague in areas and can be “interpreted” how THE Director wishes that day.	Cutts	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
155	2	A.IV.a	RR	“The Airports director has primary responsibility for INTERPETING...”, The documents are written vague in areas and can be “interpreted” how THE Director wishes that day.	Cutts	Please see our response to comment 60.
156	6	C.II.c	RR	“No person shall loiter...”, this is attempting to kill the comradery of the airport community and not allowing quiet and peaceful use of our rented space.	Cutts	Please see our response to comment 29. The County supports the comradery of the Airport community.
157	13	D.III.b	RR	“Manner prescribed by The Airport Director...” I don’t want anyone telling me how to clean my plane.	Cutts	We have removed the section formerly designated D(III).
158	13	D.III.c	RR	Now I MUST get permission from THE AIRPORT DICTATOR to wash my plane and he will tell me how and where!?! What if I come in after hours and need to get bug, bird or bat guts off before it hurts the paint, all have happened before. Now I have to ask MOTHER MAY I!!!	Cutts	We have removed the section formerly designated D(III).
159	10	D.I.a	RR	DTS has no Part 121 operators and they should be restricted to VPS.	Cutts	Based on the input of several commenters, we have removed the original Section D(I). While it is reasonable for the County to require compliance with other laws and regulations through its Rules and Regulations, we agree that certain requirements related to aircraft operation and pilot certification do not merit inclusion in these Rules and Regulations.
160	18	E.IV.d	RR	DTS has no Part 121 operators and they should be restricted to VPS.	Cutts	We have removed this paragraph.
161	18	E.IV.g	RR	If an aircraft has a leak, I am not going to stop and ask for permission in writing from THE AIRPORT DICTATOR.	Cutts	We have removed this paragraph.
162	18	E.IV.H	RR	This needs a set value that can be measured, not just visible. Too Vague!	Cutts	We have removed this paragraph.

163	31	G.I.i	RR	Now every aircraft SHALL have a drip pan under the engine. Not every plane needs this and if you do not follow this rule you can be jailed and charged with a misdemeanor	Cutts	We have removed Section G entirely.
164	34	J.II.a	RR	“..violating ANY of the rules and regulations herein SHALL be deemed guilty of committing a misdemeanor...” This document can not be allowed to be approved. There are to may issues that law abiding citizens can be charged if THE AIRPORT DICTATOR “deems.”	Cutts	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. The Airports Director is not authorized to adjudicate criminal or administrative penalties; the courts would adjudicate misdemeanor allegations, while the Board of County Commissioners would handle referrals from the Airports Director to consider administrative penalties.
165	3	A.V.a	RR	<p>As written this section restricts most maintenance on aircraft. In many cases, aircraft are covered by maintenance programs and/or warranties that provide or require maintenance by only those persons that are duly trained and certified to work on that specific make/model of aircraft or aircraft system. Limiting such work by these persons will result in unduly grounded aircraft until such written agreements can be written, reviewed, approved, and endorsed by all parties. The need for unplanned breakdown maintenance, by definition, cannot be pre-planned so prior agreement cannot be completed in advance. Simply put, this requirement is unreasonable and will result in aircraft owners and operators facing a dilemma: either accept extended, costly, and unneeded loss of use or ignore the rules and regulations to properly repair the grounded aircraft.</p> <p>I understand the Board’s desire to maintain safety, liability, consistency, and revenue. However, there must be a suitable method of quickly and efficiently allowing the service and repair of aircraft by persons/entities not normally working at KDTS. Perhaps a reasonable prewritten agreement that can be authorized by the Airport Director and the servicing party at the time of service.</p>	Brauer	<p>As a general matter, the County does not intend to require a new agreement with a particular maintenance provider each time maintenance is scheduled on a particular aircraft. Rather, a maintenance provider would have entered into a prior agreement with the County to perform future maintenance, so long as that agreement (and the provider) complies with the Rules and Regulations and all applicable portions of the Minimum Standards.</p> <p>However, in consideration of this comment, we have revised paragraph A(V)(a) to permit the Airports Director to waive the agreement requirement to the extent necessary to permit emergency aircraft repair and other emergency responses.</p>

166	5	C.I.j	RR	<p>“Sound amplification system” must be defined. Without such definition the avionics in all aircraft, all cellphones, all auto radios, and all other such “amplification” devices are not allowed within the definition of this section.</p> <p>Perhaps “sound amplification devices which cause a nuisance to those not directly involved in the use of the equipment” or something similar.</p>	Brauer	We have removed this paragraph in response to commenters' concerns.
167	7	C.IV.a	RR	<p>It appears that this section addresses TSA controlled passenger travel rather than general aviation airport use. This section unduly prevents aircraft owners/operators and their guests from carrying any firearms for legal reasons. It is common and legal for general aviation owners/operators and their guests to carry firearms for travel to hunting, self-protection at a destination, or other fully legal reasons. Simply having them on the airport should not be prevented.</p> <p>Any illegal use that is already addressed by local, state, and federal laws does not need to be part of this document.</p>	Brauer	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
168	8	C.V	RR	<p>Why is signage within the interior of a privately owner hangar prohibited? Perhaps it could be rewritten to prohibit signage that can be reasonably considered vulgar or offensive. Further, how will this affect interior signage already in place prior to implementation of the new rules?</p>	Brauer	Please see our response to comment 11.

169	26	F.II	RR	<p>This section unduly prevents those travelling to or from KDTS from using any transportation besides that found within the airport FBO. Owners, operators, and guests are unduly prevented from renting a vehicle from Hertz, Avis, Enterprise or any other rental car agency that does not have an agreement in place with the airport. Further, Uber, Lyft, and other organizations are becoming a major portion of the transportation-for-hire system. It is unreasonable to require these agencies to have an agreement in place prior to allowing them to provide their services.</p> <p>Further, this limitation would force a person needing such transportation services to meet the provided vehicle off airport property such as on the street or down the road. Either option presents unneeded risk and complication for all parties involved.</p> <p>I'm not sure what the reason is for this limitation, but I would like to ask "If this is so important is it also enforced for all other county properties in addition to the airports? If so, what happened to require such a limitation and how has it helped? If not, what is so different about an airport while outside the AOA?"</p> <p>This limitation needs to be removed</p>	Brauer	Please see our response to comment 18.
170	16	E.III	RR	Are we moving to FAR 139.321 due to JSX Flight?	Lewis	We have removed this section.
171	18	E.IV.e	RR	Aircraft services from some county hangars will not allow for required clearance. i.e.- Block three housed aircraft when centered in alley only has 13' of clearance to hangar door. Can this be changed to 50' ?	Lewis	We have removed this paragraph.
172	19	E.IV.s	RR	Transferring of fuel from truck to truck is a necessary task in order to conduct truck maintenance and at times is operationally necessary.	Lewis	We have removed this paragraph.
173	20	E.V.f	RR	In order to eliminate interpretations, please add language that reinforces when "not in use" to paragraph	Lewis	We have removed this paragraph.
174	28	F.IV.i	RR	Please eliminate this rule. AA leases all current tie down spaces and we do not allow vehicles to remain on the AOA while the aircraft is out. This is also not a safe practice. We supply ample parking spaces outside the AOA for customers.	Lewis	We have removed this paragraph.

175	18	E.IV.h	RR	No aircraft shall be fueled or defueled if lightening is visible from the airport (this is subjective) We suggest- if lightening is within 5 miles.	Lewis	We have removed this paragraph.
176		All	RR	We have spent hundreds of thousands of dollars on our hangar and do not want to risk losing our lease for a failure to comply with rules that are not critical to the safety and operation of the airport. These proposed rules are overreaching, and we believe many are unnecessary and contrary to common sense and normal use of general aviation airports. This is not VPS.	Bos	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
177	8	C.V.c	RR	We see no basis for requiring consent to placing signs INSIDE a hangar. What if I want to hang a sign supporting the Air Force or a sign pointing to a restroom-why should I need permission?	Bos	Please see our response to comment 11.
178	10	C.XI.a	RR	Restricting hangars to aircraft only is like a rule saying one cannot keep a lawnmower in my garage at home. Everyone uses their garage (and hangar) for storage. As long as the storage is not hazardous, what is the need of the airport to prevent storage in my hangar. However, use as an airplane hangar and not as a storage unit is appropriate.	Bos	Please see our response to comment 13.
179	13	D.III.a-c	RR	Everyone does minor maintenance -such as oil change in their hangars. Prohibiting this would make flying much less safe. Also, what is the reason I cannot clean my Airplane in my hangar.	Bos	We have removed the section formerly designated D(III).
180	14	D.VI.b	RR	My pilots and I would never do anything overly technical to repair a plane without training; but requiring the owner or a pilot to be certified to do minor maintenance creates more of a safetv hazard than it helps because minor maintenance would then be delayed until a certified mechanic were available.	Bos	We have removed this paragraph.
181	16	E.IV.j	RR	This rule as written would prevent even keeping spare engine oil in a hangar. I cannot believe that is what was intended.	Bos	We have removed this paragraph.
182	27	F.III.a	RR	I have no problem with designating certain areas or parking and in prohibiting parking in certain areas which would present a hazard - but prohibiting parking and even standing everywhere is against everything general aviation stands for - we have always parked cars in my hangar and have a vehicle standing next to my plane while loading luggage, etc.	Bos	Please see our response to comment 19.

183	28	F.IV.j	RR	This rule cannot mean what it says -it makes little sense to prohibit driving a vehicle by my airplane	Bos	We have removed this paragraph.
184	34		MS	I do not believe it is appropriate for the person who investigates a possible violation also being the judge who imposes the self-defined fines.	Bos	Please see our response to comment 57. We now propose to assign penalty authority to the Board of County Commissioners, not the Airports Director.
185	35	J.II.a	RR	The rules do not indicate the level of violation which is required for jail and criminal violations. Read literally, jail could be imposed for parking in the wrong place or storing a chair in my hangar. What purpose does this serve?	Bos	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor.
186	41	AppxA.II.a	RR	I have a very large amount invested in my hangar. I negotiated for a term lease and based on that made many improvements in my hangar. It is inappropriate to provide a remedy of lease termination for violating newly imposed rules if all other parts of the lease are being complied with.	Bos	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
187	1	A.I.d	RR	Assumption of risk statement flies in the face of Section A purpose to "protect the health, safety, and welfare of all persons. See also II Purpose a	Bartlett	This provision tracks Section 3-86(d) of the existing Rules and Regulations, which provides that "The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof, and he shall release and hold harmless and indemnify the board, its officers and employees from any liability of loss resulting from such use, as well as claims of third persons using the airport." Similar provisions are commonly found in other airports' Rules and Regulations. This type of assumption of risk language is appropriate in aviation, which necessarily entails a level of risk and requires all airport users to take due care to protect all users.
188	2	A.III.b	RR	Question whether this paragraph impairs the rights of current contracts.	Bartlett	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.
189	2	A.IV.a	RR	Authority for Airports Director to issue citations? Isn't this the job of law enforcement, i.e. Sheriff? (Section c)	Bartlett	Please see our response to comment 60.
190	4	B.II.a	RR	Airports Director MAY adopt...? SHALL adopt	Bartlett	We have revised paragraph B(II)(a) to assign this authority to the Board of County Commissioners.

191	4	B.I.b	RR	Privilege fee?	Bartlett	The use of the term "privilege fee" in the list of potential charges the Board of County Commissioners could impose refers to a type of percentage fee that the County currently charges Commercial Aeronautical Operators. This list of fees is intended to provide the Board flexibility with respect to the kinds of charges it may choose to impose.
192	5	C.I.j	RR	Sound amplification system? Bluetooth speakers? Hands-free mode on cellphone?	Bartlett	We have removed this paragraph in response to commenters' concerns.
193	6	C.II.d	RR	Would a plumber or electrician providing services be considered trespassing if services requested by tenant at airport? How would authority be given for access under such circumstances?	Bartlett	These services would not be considered trespass and we would expect the tenant to escort the service provider to the hangar to perform services.
194	7	C.IV.a-b	RR	Would a tenant having a conceal/carry license with a gun in his/her private automobile be in violation?	Bartlett	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
195	7	C.IV.d	RR	Is use of a laser ruler prohibited? Laser saw?	Bartlett	We have revised this proposed paragraph (now renumbered paragraph C(IV)(c)) to exempt laser rules and laser saws when used in a safe manner.
196	8	C.VI.c	RR	"at the airport" on airport property? Clarify	Bartlett	We have removed this section.
197	8	C.VI	RR	"may compromise current or future Airport security..." Vague and possibly void language	Bartlett	We have removed this section.
198	8	C.VI.c	RR	Does this prohibit Airport Director asking for payments?	Bartlett	We have removed this section.
199	10	C.XI	RR	Need for written rules and guidelines. Leaving to the sole discretion of the Airport Director leaves County open to claims to arbitrary and capricious actions	Bartlett	Please see our response to comment 5.
200	10	C.XI.c	RR	County should not be relieved from negligence claims in performance of a ministerial act	Bartlett	We have removed this paragraph.
201	11	D.I.e	RR	Such conditions to include, without limitation, aircraft incidents and accidents and airfield surface conditions as MAY BE specified in a letter of agreement between the County and the Tower.	Bartlett	We have removed this paragraph.
202	11	D.II.d	RR	No aircraft shall not block taxi lanes or obstruct	Bartlett	Removed double negative.
203	13	D.III.c	RR	Need for established guidelines and not leave up to the discretion of the Airport Director	Bartlett	We have removed the section formerly designated D(III).
204	34	J.I.a	RR	Include suspension before revocation in range of options	Bartlett	We have changed "revocation" to "suspend or revoke" in response to this comment.
205	35	J.II.a	RR	Does County have authority to establish misdemeanors?	Bartlett	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor.

206	35	J.II.f	RR	Too much discretion given to Airports Director in administering this provision	Bartlett	We have removed this paragraph.
207		All	RR	<p>I have previously sent comments utilizing the matrix; however, I am compelled to provide some overall comments that do not neatly fit into the structure you provided.</p> <p>I believe your approach is not collaborative but confrontational. It does not appear that those who would be directly impacted were given an opportunity to share input PRIOR to the preparation of the R&R and MS. This only invites more challenges and potentially costs the citizens of Okaloosa County more expenses in responding to such challenges. A needs assessment should have been done prior to beginning the drafting of these documents.</p> <p>I believe your airport advisory board members should be involved as an appeals panel for alleged violations of the R&R and MS and that the composition of this board include persons more knowledgeable in the operations of the airport and aviation in general, and should not include members of the county commissioners.</p> <p>Thank you for this additional opportunity to provide my thoughts and concerns.</p>	Bartlett	<p>The County hopes that the public-comment period, which we substantially extended, and the several tenants' meetings we scheduled, have provided a robust opportunity for Airport users and others to provide their feedback. We value our tenants and have reviewed each submitted comment.</p> <p>With respect to the enforcement process, please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.</p>

208	13	D.III.b-c	<p>RR</p> <p>Due to close proximity of salt water and per Cessna’s service letter CIL-99-03 which states we are located in a severe corrosion area; we are required to wash our aircraft every 14days per Cessna 500 Maintenance Manual 5-12-06 Task A511002. This is intended to prevent corrosion and cannot be substituted with a dry wash method which is not a corrosion preventative wash but more for cosmetics. Our engines are also required to have compressor washes due to operations in this salty environment. Compressor washes, is a clearwater rinsing method intended to clean the internals of the jet engine where no oil or chemicals are present. We are also required to maintain our aircraft per the Federal Aviation Regulations (FAR’s) and per paragraph (a), of Appendix D, part 43 of the FAA 14CFR, aircraft will be thoroughly cleaned before performing a 100-hour inspections or Annual inspection. These washes are performed with environmentally safe soaps and are for removing any corrosive components associated with a salty environment. These washes are not intended to remove grease or other chemicals from engines or airframes. When required to degrease an aircraft or engine we do so using drip pans and all solvents and oils are disposed of properly and recycled when necessary.</p>	Larsen	We have removed the section formerly designated D(III).
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209			<p>General Comment: The current discussion draft of the Minimum Standards for Bob Sikes Airport and Destin Airport attempts to categorize flight instruction activities (except for “a flight instructor occasionally accessing the Airport for the limited purpose of picking up or dropping off a student pilot or conducting flight training in an aircraft that is not based on the Airport” (D. 1. (a))), and flight instruction in Flying Club aircraft for flying club members (VII N. (d)) as Commercial Aeronautical Activities; and thereby subjecting flight instruction to the Minimum Standards and Rules and Regulations applicable to Commercial Aeronautical Operators. The minimum standard also requires Commercial Aeronautical Operators to provide full-time services. By requiring part-time instructors and flight examiners to fit this model limits the public access to independent flight instructors and flight examiners. Given the minimum standards are more suited to full-time Commercial Aeronautical Operators, I request the County provide an exclusion like for flying clubs, for part-time flight instructors and flight examiners.</p> <p>MS</p> <p>The nation is currently experiencing a pilot shortage and public demand is high for pilots within the airlines and general aviation community. The County’s minimum standards should not be limiting the public’s access to flight instruction, by over prescribing requirements on part-time flight instruction to mirror FBO requirements. The County also should not be using their minimum standards, to mandate the equipment used for flight instruction entities providing flight training activities. Specifying the number and type of aircraft, and unobtainable liability coverage for part-time instructors goes beyond protecting the health, safety and welfare and is not in the best interest of aeronautical and public safety.</p> <p>I challenge the County to come back to the purpose for the minimum standard, which is protecting the health, safety and welfare and be in the best interest of aeronautical and public safety. The current version of the minimum standard attempts to create a monopoly for the FBOs, by driving all flight instruction requirements to the sole provider of the aeronautical service which</p>	Riemer	<p>See response to comment 148. In addition, the Minimum Standards do not apply to flight examiners or to flight instructors who make occasional use of the airport to pick-up or drop-off customers. However, if a commercial operator is making such regular use of the airport the County will require an operating agreement as provided for Itinerant Operators.</p>
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is misaligned with the County’s stated purpose. An aircraft owner who keeps their aircraft on an Okaloosa County public airport, should be able to use any flight instructor they choose for flight instruction. An aircraft owner who is a flight instructor should be able to use their own aircraft to provide instruction without the County forcing them to fit a model that better fits a full-time FBO. The FAA and Designated Pilot Examiners (DPE) should be able come to County public airports and conduct check rides for FBOs, Owners, and Flying Club Members seeking pilot certificates and additional ratings without the County restricting their activity. The Minimum Standards as currently written would define a DPE administering a check ride as a Commercial Aeronautical Activity forcing compliance with the minimum standard.

Consistent with the County’s purpose for the minimum standard and rules and regulations, I believe independent (part-time) flight instructors and FAA/Designated Pilot Examiners should comply with the County’s Rules and Regulations when using the County’s public airports, have an Okaloosa County Business License, and carry General Liability insurance and Aircraft & Passenger Liability including Bodily Injury & Property Damage, but not to the levels required of full-time Commercial Aeronautical Operators. For example, Hartford provides General Liability insurance at the \$1,000,000 level; however, Aircraft Owners and Pilots Association (AOPA) Assured Partners offers Certified Flight Instructor (CFI) coverage for bodily injury and property damage that range between \$250,000 to \$1,000,000. Higher coverage is not even offered within the industry for individual CFIs.

I recommend two new definitions be added to the Minimum Standard and Section K of the Rules and Regulations: One for Flight Instruction: An aeronautical activity performed by a FAA certified flight instructor in accordance with applicable 14 C.F.R. parts for the purpose of completing certification requirements, flight reviews, endorsements, or achieving currency/proficiency requirements on a part-time basis; and another Flight Examiner – An FAA employee or Designated Pilot Examiner (DPE)

authorized to conduct practical tests for pilot certificates and ratings. The current definition for Commercial Aeronautical Activity seems more suited to Full-Time Aeronautical Activities, such as, an FBO. I recommend changing your definition in the Minimum Standard and Section K of the Rules and Regulations for Commercial Aeronautical Activity to: Commercial Aeronautical Activity – Any Aeronautical Activity conducted full-time by a business located on the airport.

I propose the following approach for the minimum standard. Expand the exclusion in Section D of the Minimum Standard D 1(a) An independent flight instructor, and/or flight instructors that own their own aircraft on a part-time basis. D 2(a) Flight training in owner aircraft, or flight instructor provided aircraft that is conducted on a part-time basis. Add a new sub-paragraph D 1(c) An FAA employee or Designated Pilot Examiner (DPE) authorized to conduct practical tests for pilot certificates and ratings on a part-time basis.

Change the definition of Commercial Aeronautical Activity – Any Aeronautical Activity conducted full-time by a business located on the airport.

The County’s attempt to categorize part-time flight instruction as a Commercial Aeronautical Activity and require them to operate as full-time Commercial Aeronautical Operators is inconsistent with norms across the country. If the County is not willing to accept the proposed exception noted above, I recommend the County survey other counties across the state to see what other approaches have been adopted to include part-time flight instruction under the umbrella of their minimum standards to develop a more reasonable approach. In my opinion, the current draft proposed by the county reaches beyond the stated purpose of the minimum standards and creates a monopoly for the FBOs by driving individuals seeking flight instruction to a single source, which is not in the best interest of aeronautical and public safety. Thank you for the opportunity to comment on the draft minimum standards. I am hopeful this matter can be resolved with a more

				balanced approach. There is more than enough demand for flight instruction and giving the public options for meeting their needs will reinforce the County's desire to support the aviation needs of the public.		
210	5		MS	Change to Read: An independent flight instructor, flight instructors that are members of a flying club, and/or flight instructors that own their own aircraft and flight instruct on a part-time basis.	Reimer	As discussed in response to comment 209, we believe the relevant distinction is how frequently the operator uses the airport, not whether the operator is part-time. We believe the current language is appropriate to assure that commercial operators who make regular use of the airport must obtain an operating agreement while allowing occasional use by other commercial operators.

211	5		MS	Change to Read: Flight instruction in owner, flying club, or flight instructor provided aircraft that is conducted on a part-time basis.	Reimer	See response to comment 210.
212	38		MS	Change to Read: Commercial Aeronautical Activity – Any Aeronautical Activity conducted full-time by a business from the airport.	Reimer	See response to comment 210.
213	39		MS	Add new: Flight Instruction – An aeronautical activity performed by a FAA certified flight instructor in accordance with applicable 14 CFR parts for the purpose of completing certification requirements, flight reviews, endorsements, or achieving currency/proficiency requirements on a part-time basis.	Reimer	We do not see the need to add this language.
214	39		MS	Add new: Flight Examiner – An FAA employee or Designated Pilot Examiner (DPE) authorized to conduct practical tests for pilot certificates and ratings on a part-time basis.	Reimer	We have expressly exempted DPEs from the minimum standards when providing check rides. See Section II(D)(1)(b).
215	5		MS	Change to Read: ...including Fixed Base Operations and Full-Time Specialized Aeronautical Service Operations, whether...	Reimer	The use of the words "operators" is consistent with the terminology throughout the documents and does not need to be changed.
216	5		MS	Add new sub-paragraph: 1(c) An FAA employee or Designated Pilot Examiner (DPE) authorized to conduct practical tests for pilot certificates and ratings on a part-time basis.	Reimer	We have added that language to the Minimum Standards.
217	28		MS	Change to read: Minimum Standards for all full-time SASOs	Reimer	See response to comment 210

218	29		MS	<p>Comment: The County shouldn't dictate to Commercial Aeronautical Operators the type aircraft they should have available. This should be a business decision of the provider, and it has nothing to do with the health, safety, and welfare of all persons within the county. Two place aircraft have limited utility and may not be the best business decision. With two nominal sized adults weight restrictions some two-place aircraft cannot hold enough fuel to complete a pilot check ride. Retractable gear aircraft are much higher insurance cost and may make it harder to rent due to insurance min time in type requirements. The type aircraft an FBO offers should be a decision for the FBO, not the County. Specifying the number of aircraft also is outside the County's purview. This should be a business decision by the Commercial Aeronautical Operator.</p>	Reimer	We have removed the requirement that a commercial Aircraft Rental operator have a four-place retractable gear aircraft.
219	32		MS	<p>Same comment as #9. Mandating a multi-engine aircraft should not be in the purview of the County. If the Commercial Aeronautical Operator has a Part 135 Operator's License issued by the FAA they should be able to use that equipment the FAA issued the operating certificate for. Part 135 operations are permitted to operate single engine aircraft. For example, PC-12, or TBMs could be excellent Air Taxi/Charter aircraft that are single-engine.</p>	Reimer	We have removed the requirement that a commercial charter operator have a multi-engine aircraft.
220	33		MS	<p>Same comment as #10.</p>	Reimer	We have removed the requirement that a commercial air tour operator have a multi-engine aircraft.
221	36		MS	<p>Not all flight schools are Part 141 certified by the FAA, and the county should not mandate that as a minimum standard. Change to Read: Each Commercial Aeronautical Operator conducting training or instruction activities shall provide at least one (1) full-time FAA certified flight instructor with an instrument rating and qualified to instruct in the entities aircraft who is available to students at competitive rates at any time during normal school hours by appointment.</p>	Reimer	We have modified that language as suggested.

222	37	MS	Is office and classroom space available to Commercial Aeronautical Operators other than the existing FBO? If not it doesn't seem reasonable to make this a requirement. The public would expect that like facilities such as the pilot's lounge at the current FBOs would be available to support briefing and debriefing requirements associated with part-time aeronautical activities given these are public airports. For full-time activities this space should be available for lease if required by the minimum standards.	Reimer	The Minimum Standards would allow a flight school to make use of space in the FBO's buildings pursuant to an agreement with the FBO. We have also modified the Minimum Standards for flight schools to provide greater flexibility in the amount of space and number of tie-downs needed for their operation.
223	49	MS	The Commercial General Liability including Premises Liability is consistent with available policies. However, \$5,000,000 for Flight training and \$2,000,000 for Aircraft rental is not even offered for individual renters and flight instructors. For aeronautical activities the coverages offered by AOPA's Assured Partners range from \$250,000 to \$1,000,000. Recommend reducing the \$5M and \$2M values to amounts within the range of available coverage from the insurance industry.	Reimer	We have revised the insurance requirements in response to comments and lowered most required levels. Please refer to the updated insurance requirements in Appendix A to the Minimum Standards.
224	50	MS	Recommend including a definition for Non-Commercial Aeronautical Activity. Recommend including part-time Flight Instruction under this definition, just as inferred by the flight instruction with Flying Club instructors of club member was excluded from Commercial Aeronautical Activities.	Reimer	See response to comment 210.

225		All	<p>RR</p> <p>It is my understanding that there are some people at the airport that do not use the space they have leased or purchased in the ideal way, but this is a very aggressive and undiplomatic way of exercising excessive force and unruly judicial power on the many for what the few have done.</p> <p>The airport overall is a place where the aviation community looks out for each other as a whole, and I have never been part of a group of people who are so willing to go the extra mile to assist each other. In a world today that is full of anger, this seems to be one of the only places that continues to have great comradery and could possibly need less regulation.</p> <p>As I read through these comments, it is disheartening that this kind of a blanket, judicial overreach is being attempted upon us. For example, I ask myself, will I be allowed to have the licensed pistol that is locked in my center console on the airport anymore? What about the hunting trips I take can I no longer bring my rifle and shotgun on the plane with me now? When I get back from a six-hour flight and want to have a beer in my hangar as I get my plane unloaded, will I get kicked off the airport or worse lose my lease? Can I get an Uber?</p> <p>It is of my opinion that there seem to be no checks and balances in your new rules, I would suggest that we the tenants possibly elect a board of leases to help facilitate any new policy that may be implemented in the future as rules or issues arise.</p>	Vlahos	<p>The County hopes that the public-comment period, which we substantially extended, and the several tenants' meetings we scheduled, have provided a robust opportunity for Airport users and others to provide their feedback. We value our tenants and have reviewed each submitted comment.</p> <p>With respect to firearms possession, please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy. With respect to alcohol consumption, please see our response to comment 9. With respect to the Airports Director's authority, please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.</p>
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226		All	RR	General Comment – PJV Holdings supports the adoption of rules and regulation for the Destin Airport and appreciates the efforts involved in providing the initial draft for comments. However, Legendary believes a number of modifications would be beneficial and enhance the ability of the rules to survive legal attach including changes which (i) incorporate proper procedures, (ii) incorporate standards – particularly for application of penalties – all violation should not trigger the right to all penalties such as termination of lease for failure to park a car in a designated area, (iii) recognize current and normal practices which do not create health or safety issues, and provide for reasonable exercise of powers with appropriate criteria for such exercise.	Vlahos	We appreciate this feedback on our draft Rules and Regulations. While we understand that this is a general comment, please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
227	1	A.I.c	RR	This provision authorizes the Airport Director to make rules without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners	Vlahos	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
228	4	B.I.b	RR	This provision allows the Airport Director to set rates – without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners	Vlahos	Please see our response to comment 6.
229	4	B.II.d	RR	Reserving the right to approve fees by third parties is price controls which is outside the County’s authority	Vlahos	Please see our response to comment 7.
230	4	B.II.a	RR	Airport Director to adopt rates and charges without any process for publication, public notice, public comment, etc. It appears to be an improper delegation of a legislation function of the Board of County Commissioners	Vlahos	Please see our response to comment 8.
231	5	C.I.g	RR	Prohibit consumption of alcohol except in designated areas. On it face would prohibit passengers from having a drink inside an aircraft while on the ground or having a drink inside a hanger	Vlahos	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
232	7	C.IV.a	RR	Prohibits any firearms except by law enforcement. Would make it illegal to have weapon in car or on airplane even with concealed weapons permit	Vlahos	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
233	8	C.V.c	RR	Prohibits signs without Director approval – interior or exterior – unreasonably requires written approval for signs inside hanger such as “Restroom” or “Trash Bin”	Vlahos	Please see our response to comment 11.

234	9	C.X.a	RR	No residential use – some hangers have “apartments” for permanent crew	Vlahos	Please see our response to comment 12. As a federally obligated sponsor, the County must follow FAA policy, which expressly disapproves the use of hangars or other airport facilities for residential use.
235	10	C.XI.a	RR	No storage in hanger for anything but aircraft & support – i.e. no cars or household goods. What about spare parts or supplies for future flights? What is the purpose of this major change from usual and customary usages of hangers	Vlahos	Please see our response to comment 13.
236	11	D.I.e	RR	Director can prohibit or limit aircraft operations and personal access – no requirement for reasonableness and no standards provided to prevent arbitrary and capricious exercise of power	Vlahos	We have removed this paragraph.
237	1	A.I.c	RR	I disagree that the authority to make decisions and rules should solely rely on the airport director.	Custer	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
238	2	A.III.b	RR	Again, I disagree that someone should have sole authority to make the decisions to change rules that change the currently signed leases.	Custer	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.
239	2	A.IV.a	RR	I believe any interpretation that the airport director finds to be in violation should be subject to dispute before any violation can be enforced.	Custer	Please see our response to comment 60.
240	10	C.IX	RR	I was under the understanding that that determination was already discussed in the hangar lease and do not care for that to change.	Custer	We are not certain which paragraph this comment refers to. Pursuant to paragraph A(III)(b), provisions of an existing lease may supersede the policies of the Rules and Regulations.
241	13	D.III	RR	I believe that if you are certified, licensed, and qualified to do maintenance as necessary to keep your aircraft airworthy without limitation in your leased facility.	Custer	We have removed this section.
242	4	B.I.b	RR	Empowering the airports director to unilaterally impose fees without approval by elected officials is granting excessive authority to a single individual.	Barrett	We have revised paragraph B(I)(b) to assign this authority to the Board of County Commissioners itself.
243	7	C.IV.c	RR	Operators and passengers of private aircraft should not be prohibited from possessing firearms when flying to and from the airport. Both military and civilian persons are legally allowed to transport firearms on commercial flights if they are declared and stowed in the hold. Private aircraft is no different.	Barrett	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.

244	11	D.I.b	RR	Not all aircraft operations require pilots to possess a medical certificate.	Barrett	Please see our response to comment 159.
245	11	D.I.c	RR	The FAA establishes and enforces rules regarding communications requirements between aircraft and air traffic control facilities. Incorporating FAA regulations within a rules and regulations document is redundant.	Barrett	Please see our response to comment 159.
246	12	D.II.j	RR	It may not be possible for a helicopter stored within a private hangar facility to start and taxi while maintaining fifty (50) feet of clearance from any building. They would need to be towed to a taxi lane prior to start which would result in it blocking the taxi lane.	Barrett	We have removed this paragraph.
247	13	D.III.c	RR	It would be appropriate in this paragraph, and in any paragraph of this document requiring permission of the Airports Director, that the airports director should have a maximum number of days in which to respond to any person requesting permission.	Barrett	We have removed the section formerly designated D(III).
248	14	D.V.a	RR	Ultralight aircraft is a category of aircraft specifically defined and designated by the FAA and operation of such aircraft is authorized by the FAA. To prohibit an aeronautical activity specifically granted by the FAA is an unreasonable restriction of rights. Furthermore, the proposed Minimum Standards allow commercial Ultralight activity as proposed on page 40 of that document. It is inequitable to allow this as a commercial activity but deny such activity to an individual.	Barrett	We have removed the section formerly designated D(V).
249	24		MS	The Destin Executive Airport currently has two building and ramp facilities suitable for FBO operations. During the recent past, two independent FBOs operated at the airport. The proposed standards require an FBO's premises to include a minimum of 10,000 square feet clear span hangar space. Only one such hangar building exists on the airport premises, which is under the control of the one operating FBO at the airport and no space is available on the airport property on which to construct such a hangar building. This standard, if adopted, would unfairly prevent another competitive FBO from operating at the airport even though there is adequate building and ramp facilities available to do so.	Barrett	See Response to Comment 446 regarding exclusive rights. The space requirements are reasonable given the level of service expected from a full-service FBO and do not unreasonably limit the ability of a new FBO to begin operations. The County is not obligated to provide space for a new FBO (or any other aeronautical user) if no space is available. We further note that the FAA was consulted extensively when the two former FBOs merged and raised no objections to the merger at the time.

250	26		MS	The FBO at the Destin Executive Airport does not provide flight instruction that I am aware of.	Barrett	Atlantic Aviation does provide flight instruction by subcontract through Vertol.
251	32		MS	The FAA requires a pilot flying air tours operating under part 91 to possess a commercial pilot certificate. To additionally require an instrument rating seems unreasonable. Especially since air tours are always VFR.	Barrett	We have removed the requirement for an instrument rating.
252	36		MS	Mandating minimum number and type of aircraft, along with specific flight instructor requirements that are not consistent with the needs of potential student pilot applicants, discourages competition and does not encourage participation in aeronautical activity by the public. Most single-engine four-place aircraft in use today are not retractable gear aircraft. Examples are the Cirrus and Columbia aircraft.	Barrett	We have removed the requirement that a commercial Aircraft Rental operator have a four-place retractable gear aircraft and the requirement for a specific rating.
253	42		MS	Many, if not most, services provided by an Itinerant Maintenance Provider do not require the provider to possess an FAA Inspection Authorization. It is unreasonable to require additional credentials that are not required by the FAA.	Barrett	The reference to an Inspection Authorization is not mandatory, but was provided as an example of the kind of credential that might be required depending on the type of operation being proposed.
254	43		MS	This paragraph gives the County a broad and arbitrary spectrum of reasons to deny an applicant the right to provide services to an aircraft operator. It would be appropriate to specify what conditions a provider must meet rather than enumerate a long list of potential reasons for denial. Additionally, current providers should be vetted to ensure that they conform to these new standards.	Barrett	We believe this provision appropriately describes the factors the Board may consider when it evaluates a proposed operating agreement, particularly given the compliance concerns with fair competition and the desire to meet demand for certain services by current airport users. These factors may weigh in favor of granting or denying an application and appropriately provide guidance to the Board's decision-making
255			MS	Insurance requirements for an Itinerant Maintenance Provider may be unreasonably high and likely not reasonably obtainable. Since services by such a provider would likely be performed in an aircraft operator's private hangar, the risk of loss to the county are minimal.	Barrett	See response to comments 473 and 519 regarding insurance requirements. We have revised the insurance requirements in response to comments and lowered most required levels.

256	All	RR	<p>Nobody should have this much power. There needs to be a better mix of people governing the airport, who represent the interests of the pilots and people who use the airport. Right now there is no representation for those who use it.</p> <p>Most of the rules are too vague. Who defines loitering? And every time I want to wash the windshield on my airplane, why do I have to ask someone to do it? What's the need for these rules?</p> <p>The US is built off innocent until proven guilty, and no one man being prosecutor, judge, jury, and hangman. These rules let the Airport Director be all those things.</p> <p>Most of these rules require me to get permission from the Airport Director, but they never give him a timeframe to get back to me. If the airport can work this hard to write needless rules, why can't they work equally hard keep the grass cut? The airport looks a mess.</p> <p>I've been at this airport over 30 years, and I haven't seen problems that would require such a drastic change in the rules. The rules are old, but that doesn't mean they need to be changed. The Constitution is over 200 yrs old. So I ask, WHY?</p>	Duplantis	<p>With respect to the authority of the Airports Director, please see our responses to comments 5 and 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.</p> <p>Please note that we have removed the former paragraph D(III)(c), which concerned aircraft washing.</p> <p>While we cannot speak to other individual airport operators' approaches to airport rules and regulations, the County believes that the proposed Rules and Regulations align with modern best practices for such documents. The proposed Rules and Regulations now, in several respects, provide the Airports Director <i>less</i> policy authority than is provided by the County's existing Rules and Regulations.</p>
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257			MS	As a hanger renter and being based in KDTS. I want to be able to call any instructor I deem capable to come and train me in my aircraft at my home base. I should not be forced to train with whomever might be available at the flight school at my home base. I also want to be able to have any mechanic that I trust and deem competent to be able to work on my aircraft at my home base. These requirements and restrictions put forth in these agreements make it unachievable for anyone other than large corporations or established businesses to provide service at Okaloosa County airports. The only one paying the price for these rules and restrictions are the customers who utilize these services like myself. I strongly feel if enacted, these rules and regulations will result in subpar service and training available to the public and increase in costs to the customer due to its restriction of free market operations, effectively creating a monopoly at Okaloosa County airports. There is not enough room at these airports to facilitate the square footage requirements for local businesses to operate, not to mention the unnecessary insurance and business requirements that effectively make it cost prohibitive for any reasonable business owner to operate at Okaloosa County Airports. Thank you for your time and consideration.	Stubbs	We have revised the proposed Minimum Standards to allow a instructor to use a student's aircraft.
258	7	C.IV.a	RR	Should be allowed to have a firearm in your plane. Pilots should be allowed conceal carry where legal when traveling for protection and hunting trips.	Stubbs	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
259	8	C.VI.a	RR	Limiting photography is overly restrictive and poses no threat to safety.	Stubbs	We have removed this section.
260	13	D.III.b	RR	Overly restrictive, a waste of pilots and counties time and resources. Pilots should exercise caution when washing to limit Stormwater pollution.	Stubbs	We have removed the section formerly designated D(III).
261	13	D.III.c	RR	Overly restrictive and again a waste of time and resources.	Stubbs	We have removed the section formerly designated D(III).
262	35	J.II.a	RR	Violating a rule or regulation that does not effect safety should not be criminal. There should be a subset of criminal and non-criminal violations. If someone goes hunting and brings a shotgun to their plane they should not be criminally charged.	Stubbs	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. With respect to firearms, please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.

263	35	J.II.a	RR	They county should not be able to terminate a lease for a simple rule violation. This is too broad.	Stubbs	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
264	35	J.II.a	RR	County should not be able to revoke privilege for a simple rule violation.	Stubbs	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
265	41	AppxA.I	RR	The violation fines/penalties should be scaled based on the violation.	Stubbs	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
266	46		MS	These insurance requirements are not necessary and seem to be intentionally placed to prevent free market operations.	Stubbs	Please see our response to comments 473 and 519 with respect to insurance requirements.
267	33, 34, 36		MS	These rules are not necessary and again prevent free market operations by creating unobtainable hurdles for local business and diminish reliable service for patrons of the airports.	Stubbs	We have removed or revised several standards for flight instructors, charter operators, and tour operators to lower barriers to operation.

268		All	RR	<p>I am in receipt of the proposed changes to the Rules and Regulations regarding the Destin Airport. I am very troubled by the proposed autonomy being given to the Director. These proposed changes will result in everyone who has invested large sums of money being subject to one person's reasonable judgment. Who is going to oversee the Director and ensure he is actually using reasonable judgment? There is nothing reasonable about these rules, and no basis for these proposed changes. The most concerning aspect of this is the proposal to give a government employee so much power with no oversight.</p> <p>It's deeply concerning that he feels he has the authority to grant himself such autonomous power over the airports. These rules allow the director to make rules, create fees, restrict access, and interpret all of it as he or she deems fit with no oversight. In essence, this makes the director the judge, the jury and the executioner. It should cause all of us to be deeply concerned that one man desires such power over an airport. It is not reasonable to ask anyone who has read this changes the director has put forth, and seen the power he desires, to be able to trust him again. Based on his lack of judgment and the mistrust he has created among the aviation community, I intend to encourage the Destin Airport Association to petition for his removal.</p>	Biles	<p>With respect to the authority of the Airports Director, please see our responses to comments 5 and 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.</p>
269	13	D.III.a	RR	<p>The proposed maintenance requirement - only in designated areas - is not clear on whether this includes all maintenance or only certain types of maintenance. Does owner maintenance fall in this category? For example, can I do my own oil change or replace the landing light?</p>	Israelsen	<p>We have removed the section formerly designated D(III).</p>
270	13	D.III.a	RR	<p>Where are the designated areas and are they free to use for everyone?</p>	Israelsen	<p>We have removed the section formerly designated D(III).</p>
271	13	D.III.a	RR	<p>Similar as above, but for external mechanics. The mechanic shop on site is not responsive and it is paramount to me that I can have a dependable external mechanic come in from a nearby airport to help diagnose or fix issues that prevents me from flying.</p>	Israelsen	<p>We have removed the section formerly designated D(III).</p>

272	13	D.III.c	RR	I interpret this sections as I have to obtain a permission from the Airports Directory to wash my own plane? What is the reason/purpose for this rule? What benefits to airport users can we expect from having this rule?	Israelsen	We have removed the section formerly designated D(III).
273	9		MS	Please clarify if “Through-The-Fence” prohibits an external mechanics from coming to DTS to service an aircraft? If it does, it needs to be changed to allow an external mechanic to perform services at DTS.	Israelsen	The Through-the-Fence prohibition does not prohibit an off-Airport mechanic or other maintenance provider from servicing an aircraft on the Airport, so long as the provider complies with the Itinerant Maintenance Provider requirements of section V(O).

274		All	RR	<p>Attached for your review is a Comment Response Matrix from the owners of Hangar One, LLC, a lessee under a hangar lease with Okaloosa County at the Destin Executive Airport.</p> <p>Beyond the comments outlined in the attached comment matrix, a general comment is that the Rules are overreaching and unnecessarily adversarial. Our hope is that the County and the Airport use the many comments submitted to accomplish the goal of modernizing the Rules while ensuring consistency and fairness in their application.</p> <p>The Rules should also be revised to require the Airport to respond to requests and inquiries within a reasonable time. Some of the Rules require the airplane owners to submit requests to the Airport before an action may be taken. If history is a guide, these requests will not receive responses for months which is tantamount to a denial as a practical matter. If the Airport is going to require owners to submit requests, the Airport should commit in the Rules to responding to those requests within a reasonable time frame.</p> <p>**I need to clarify a comment I made below about Airport staff's history with response times. My experience with Airport staff has been universally professional and good and the timeliness of their responses to me have good. My comments below include unverified feedback that was told to me from others. It has not been my experience and I should not have included it in my comments to you.</p> <p>My point about the need to build in mandated response times remains but I wanted to clarify that my experiences with Tracy and the staff at the Airport have all been good ones.</p>	Strother Clennan (Covell)	<p>The County is pleased that the commenter has had positive and professional experiences engaging with Airport staff. The County works hard to be responsive to Airport users questions, requests, and concerns, and welcome suggestions on ways to improve communication further.</p> <p>The County hopes that the public-comment period, which we substantially extended, and the several tenants' meetings we scheduled, have provided a robust opportunity for Airport users and others to provide their feedback. We value our tenants and have reviewed each submitted comment.</p>
275	1	A.I.c	RR	<p>Last sentence should be deleted. Airport Director should not be authorized to create rules and orders that are not approved by the Okaloosa County Commission.</p>	Strother, Clennan (Covell)	<p>Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.</p>

276	2	A.III.b	RR	This paragraph should be deleted because it seeks to amend existing leases unilaterally in violation of the express language of Section 34 of the lease between Okaloosa County and Hangar One, LLC (L20-0486-AP) (the "Lease") which provides that the lease can only be amended by written instrument signed by both parties.	Strother, Clennan (Covell)	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.
277	7	C.IV.b	RR	Clarify this subparagraph to be clear that aircraft owners may lawfully possess firearms on Airport property and travel with them on their private aircraft. Traveling with hunting rifles or shotguns on private aircraft is a good example.	Strother, Clennan (Covell)	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
278	8	C.VII.a	RR	This paragraph should be deleted for vagueness or revised. As written it is a violation of the Rules if someone asks a friend to borrow money for the Coke machine. Due to J.II.a of the Rules, that person would be deemed guilty of a criminal misdemeanor.	Strother, Clennan (Covell)	<p>This provision tracks the existing Rules and Regulations, which the County adopted by Ordinance No. 78-03 in 1978. Per Section 3-86(f) of the County Code, "No person shall solicit funds for any purpose [...] without the written permission of the manager. Any such permission may be rescinded at any time if such display or distribution ceases to conform to the policy of the board."</p> <p>The County does not intend to prosecute casual requests for money among friends and acquaintances as the commenter suggests. However, to alleviate concerns, we propose to revise paragraph C(VII)(a) to read, "No person may fundraise or solicit donations on the Airport except as authorized by the Media Control Plan." We believe that revision will provide for greater clarity and consistency regarding when fundraising or solicitation is permissible.</p>
279	13	D.III.c	RR	The Airport already designates where plane washing can take place and "the manner" in which a plane is washed. Deciding where planes can be washed is understandable but dictating how and when owners may wash their planes is an overreach, particularly when there is no provision that requires the Airport to respond to requests for washing within a reasonable window of time.	Strother, Clennan (Covell)	We have removed the section formerly designated D(III).
280	33	H.II.c	RR	Section H.II.c.1 should be deleted. Destin Executive Airport is not a Part 139 airport and only FAA designated Part 139 airports require badges and escorts.	Strother, Clennan (Covell)	We have removed Section H entirely.

281	34	J.I.a	RR	This paragraph outlines a series of penalties for violations of the RR then it immediately provides a mechanism for arbitrary and capricious application of the penalty system by a single person, the Airports Director, by providing that he or she can apply the penalties outlined or disregard them altogether. Keep the graduated penalties but eliminate the last sentence.	Strother, Clennan (Covell)	Please see our response to comment 22.
282	34	J.I.b	RR	We are dealing with a civil subject matter, by and large, with civil penalties and it is improper to bestow law enforcement capabilities on Airport and its staff which are decidedly civilians without law enforcement training. Again, we are dealing with a civil law subject matter, not criminal, and any reference to criminalizing violations of the Rules (see J.II.a) is improper. Nothing in the Rules infringes upon the appropriate law enforcement agencies' ability to do address criminal activity at the Airport.	Strother, Clennan (Covell)	Please see our responses to comments 22 and 425. Violation of Airport Rules and Regulations is a misdemeanor under Florida state statute; the Rules and Regulations merely reiterate this, as they have for several decades. We therefore consider it appropriate to also reiterate the Sheriff's jurisdiction on the Airports.
283	35	J.II.a	RR	This paragraph should be deleted for multiple reasons, principally because it violates the Due Process Clause of the U.S. Constitution by "deeming" persons guilty of a crime without due process. Secondly, the paragraph does not make a distinction between the violation of what constitutes a civil violation versus a criminal violation. This paragraph literally deems a person guilty of a crime without a trial for having a book of matches in a dop kit in a suitcase within 50' of their own aircraft. Thirdly, the appropriate civil penalties are already laid out in J.I.a and this paragraph is redundant.	Strother, Clennan (Covell)	With respect to "deeming" a person liable for a misdemeanor, please see our response to comment 89. Please also see our response to comment 57 for a discussion of the revisions we have made with respect to the administrative enforcement process.
284	35	J.II.d	RR	This paragraph should be deleted because the penalties for violations are laid out in J.I.a. and this paragraph is redundant. The Lease includes notice requirements and cure periods that allow the tenant to respond in case of a possible rule violation.	Strother, Clennan (Covell)	We have included this provision to avoid any uncertainty that lessees may have regarding whether the County may take pursue lease termination if they violate the Rules and Regulations. We have also revised this paragraph (now designated G(II)(e)) to clarify that termination and eviction are only permitted as allowed under the terms of such lease, permit, or agreement.
285	35	J.III.a	RR	A subparagraph number 5 should be added permitting the administrative review of decisions by the Airport to terminate leases. Also, the nuts and bolts of what an administrative review consists of should be defined.	Strother Clennan (Covell)	We have removed Section J(III). Please see our response to comment 57 regarding the enforcement process.

286		D.III	RR	<p>After reading the Rules I have a few items of concern.</p> <p>1. I do not understand the strict rules about needing permission to wash your aircraft. I guess it's possible to understand if you are concerned about some sort of chemical run off. But the statement talks about dry wash as well. That is like waxing your car. We really need to look and understand what the intentions are.</p> <p>2. I am a strong believer that when your life and the life of your family and or friends are in the hands of someone working on your airplane the importance of having the freedom to select the person with the knowledge of your airplane is of great importance. I believe that maintenance at the Destin airport has not been anyplace close to what it should be or was years ago. For a airport of its size and number of operations it could and should be great. As a community we should welcome good people with knowledge of these airplanes to do what it takes to make them as safe as possible. Remember in most cases this equipment is 20 - 60 years old and finding people that know the systems is not easy. It is a fact that several times over the past years I could not find anyone that could work on my airplane in Destin. I will say I have found CEW to have a much better arrangement.</p> <p>3. I recommend a policy that allows hangar owners to make capital improvements to their hangar and receive lease extensions. My concern is no one wants to put a lot of money in a building that they potentially will lose in a few years. I think a program to improve the looks and quality of the hangars as well as the airport appearance could help improve the look of the airport.</p>	Kaplan	We have removed this section.
287	4	B.IV.c	RR	The airport director should not have unfettered power to impose fees at will. There needs to be a process that includes elected officials.	Newton	Please see our response to comment 8.
288	7	C.IV.a	RR	The FAA allows the transport of firearms, this airport should be no different. This is arbitrary.	Newton	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.

289	10	C.XI.a	RR	This is ridiculous. First, define personal items. Coats, an office chair, what about a box of flight headsets? The airport director should not be able to dictate what I can and can't leave in my hangar. One sentence states that I can not leave personal items in my hangar. The next states that the airport director can grant approval if I can demonstrate that the area used is in excess of reasonable needs for aeronautical use. This grants the airport director unilateral power to decide what I can and can't have in my hangar based on his likes and dislikes. Provide a list of prohibited items.	Newton	Please see our response to comment 13.
290	11	D.I.c	RR	Why are you incorporating FAA regulations in this rules and regulations document? Redundant	Newton	Please see our response to comment 159.
291	13	D.III.c	RR	The airport director should have a defined time frame in which he must respond to inquiries and applications.	Newton	We have removed the section formerly designated D(III).
292	13	D.III.b-c	RR	This needs definition. Asking the airport director where, when, and how I can clean my aircraft every time I want to clean is onerous. Do I call the director or is written permission needed? How long do I have to wait for directions and permission? Again, this document grants the airport director excessive, unilateral power[.] Instead, please define the regulations concerning aircraft washing: - Where specifically can we clean our aircraft - What is the manner in which aircraft must be cleaned	Newton	We have removed the section formerly designated D(III).
293	24		MS	This standard appears to be constructed to specifically disallow any competition to the existing FBO. There have been two operational FBOs here in the past, why discourage growth and competition?	Newton	See response to comment 249.
294	32		MS	Air tours around Destin are VFR, why should a pilot need an instrument rating?	Newton	We have removed the requirement for a tour pilot to have an instrument rating.
295	36		MS	These standards are excessive and unwarranted. They do not take into account student pilot needs. It also discourages competition and participation.	Newton	Please see our response to comment 24.
296	42		MS	This is onerous. There is no need to require additional credentials not required by the FAA.	Newton	We do not believe we are requiring credentials not required by the FAA.
297	43	[page 13?]	MS	This should be a list of requirements, not a random list of possible reasons to deny an application. This is arbitrary and wrong.	Newton	Please see our response to comment 254.

298		Appx.A	MS	Maintenance performed in an individual’s private hangar does not put the county at risk. Insurance of this type should not be required. Also, individual maintenance providers would likely find this requirement too expensive. Also, don’t limit what kind of maintenance we can perform in our private hangars.	Newton	<p>The County disagrees that aircraft maintenance performed in a tenant's hangar poses no legal risk to the County, particularly when performed by a commercial aeronautical operator. The County has worked both with its own risk-management staff and with an expert outside consultant to set insurance requirements for commercial maintenance providers that appropriately mitigate the County's financial exposure and are reasonably affordable. The Minimum Standards preserve the right of aircraft operators to self-serve their own aircraft in their hangars, which would not require any additional insurance, and to retain the services of authorized mechanics to perform services in their hangars, subject to the conditions of the hangar lease.</p> <p>Additionally, partly in response to public comments, the County has revised, and in several cases reduced, the insurance requirements specified in Appendix A to the Minimum Standards.</p>
299	6	C.II.c	RR	This seems to indicate I can’t hang around the FBO and talk with friends, or just watch airplanes, if I have no current business to settle. This is wrong. I should be able to hang around if I’m not causing trouble.	Cocozzoli	Please see our response to comment 29.
300	7	C.IV.a	RR	I should be able to bring my legally owned firearm out to my legally owned plane, and legally take it with me if I so choose. I understand the idea of this regulation, but it should be written to allow pilots and invited passenger to bring firearms onto privately owned aircraft. For instance; a hunter could not take a hunting rifle with them if they were flying somewhere to go on a hunting trip. A pilot could not purchase a firearm at a “gun show” and bring it back on their own plane with them.	Cocozzoli	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.

301	All	RR	<p>Dear Board Members:</p> <p>According to the minutes of your August 8 meeting, Okaloosa County Airport Director, Mr. Tracy Stage said, “we have spent the last 6-8 months revising the minimum standards to incorporate situations like this,” referring to a discussion with a flight instructor desiring to instruct in his own aircraft at CEW. Mr. Stage stated, “[w]e are going to follow federal policy on proposed rulemaking.” Mr. Chad Rogers then stated the first public meeting would be on August 22 . . .” and “[t]hen we will follow-up with a public meeting.”</p> <p>At a public meeting held August 24, 2022 in Destin, Mr. Stage said they have been working on these rules and minimum standards for two years, but when it was requested at that public meeting for Mr. Stage to provide to the public the proposed rules, Mr. Stage refused, which is a violation of the Florida Public Records Statute Chapter 119. A member of the public was able to obtain a copy, a few days before the official release, by going around Mr. Stage and making a request directly to the Public Records Specialist at Okaloosa County Risk Management.</p> <p>The existing Rules and Regulations are 24 pages long as I printed them from the County Ordinances online. The new draft rules are 43 pages long. The old minimum standards are 18 pages and the new draft standards are 44 pages long. The public has not been provided a strike though draft that indicates what is being removed and what is being added nor have they been provided with the reasoning or purpose for the proposed changes, except that the old rules were adopted in 1977. We can all probably agree that some changes are necessary. I would argue that there are problems with the original rules and standards that have been carried over to the new draft rules and standards. The existing minimum standards were adopted May 30, 2008.</p> <p>The draft rules and standards modify the rights of airport tenants under existing leases and the public. The draft rules and standards contain provisions that are contrary to the purpose and</p>	Smith	<p>We acknowledge this comment. As discussed in response to other comments, we have substantially extended and expanded the public comment and participation process in response to public concerns, and have made substantial revisions to the proposed Rules and Regulations and Minimum Standards based on public comment, as shown on the redline draft and comparison table released on March 27. We have been transparent and responsive throughout this process..</p>
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requirements of the Federal Airports Improvement Program (AIP) grant assurances which require the County: to operate the airport for the use and benefit of the public and to make it available for all types, kinds, and classes of aeronautical activity and without granting an exclusive right.

There has not been an adequate opportunity for public input to create 87 pages of new law, and be very clear, that is what is being created by these proposed rules and minimum standards. Page 1 of the draft rules state: “The Rules and Regulations also are adopted pursuant to County Ordinance No. [XXXX] . . .” Section IV states “The Airports Director has primary responsibility for interpreting and applying the Rules and Regulations and is authorized to issue citations . . .” Violations of the rules may result in fines, evictions and/or criminal prosecution – “as determined by the Airports Director . . .” On Page 35 the rules state: “Any person violating any of the rules and regulations herein shall be deemed guilty of committing a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed (60) days, or by both” (emphasis added).

The proposed draft rules and standards bestow far too much power on the Airport Director who has written the rules and will have primary responsibility for interpreting and applying the rules and standards and dictating civil penalties, evictions and criminal prosecutions.

There is the chance that I am rushing to judgement and Mr. Stage intends to provide the strikeouts and additions and provide to the public all the public comments based on the comment matrix he has requested and provide a forum and a time frame for all the concerns to be addressed by the tenants and users of the airport and particularly to confirm that the new Rules and Regulations and Minimum Standards are in compliance with the FAA Airport Compliance Manual, FAA Order 5190.6B Change 1 as adopted November 22, 2021. Mr. Stage has stated that he intends to follow the “federal policy of proposed rulemaking,” although as I stated earlier these rules and standards go beyond rulemaking by an

			<p>agency. Mr. Stage is going to ask the County Commissioners to make them law. I would ask the Okaloosa County Aviation Board's motion to be – to recommend that the Airport Director provide to the Aviation Board, the Okaloosa County Commission and public an explanation and the purpose of each of the proposed edits to the rules and standards (an example can be found of the first three pages of FAA Order 5190.6B Change 1) and to provide written response to the publics proposed comments as to whether the airports director supports or does not support each proposed edit and whether the directors recommendation is based on his opinion as the director, county policy or ordinance, FAA regulation or state or federal statute and to convene at least two public workshops to provide a public forum to discuss the directors responses to the public input and a second workshop to discuss the final draft and any changes made as a result of the public input prior bringing the final draft back to this board for a recommendation for adoption by the County Commission.</p>		
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302	All	RR	<p>My wife and I (Gary Troop and Patricia Brown) will be out of the country for the public meeting for comments regarding the newly proposed rules and regulations for KDTS. I request you allow Lisa Rockwell to read the text below on my behalf in my three-minute slot for verbal comments.</p> <p>As hanger tenants at Destin Executive airport, we feel the currently proposed Rules and Regulations for the Okaloosa County General Aviation (GA) airports are extremely excessive in both the number and content of additional rules, as well as the penalties associated with them. We have submitted around twenty-five comments regarding the proposed documents via the supplied Matrix and emailed them to the county. We consider each comment to be important.</p> <p>Extremely alarming to me is how one sided the document appears to be. For example, it appears the Airports Director will have the ability to change the rules without even notifying the tenants . A violation of any rule will be “deemed a misdemeanor” (Page 35 R&R) with a possible termination of the long-term hangar lease of the offending party (Page 35 R&R). Pretty much all at the discretion of the Airports Director. Further, there are plenty of terminate timelines for responding to the Airport Director, but no timelines for the Airports Director to respond to tenants.</p> <p>In regard to overreach in the document , "No person shall operate a sound amplification system on the airport without written permission of the Airport's Director' (Page 5 R&R) . Technically playing a Boom Box inside my hangar while cleaning my personal airplane would violate this proposed rule. The Airport's Director could decide to cite me, deem me guilty of a misdemeanor and terminate my long term hangar lease. Technically operating the intercom in my aircraft would violate this rule. Does that make sense to anyone? Same thing if I take a break from cleaning my airplane and have a beer in my hangar (No alcohol many be consumed except in designated areas. ... Page 29 R&R). The previously mentioned items were allowed at the last three airports where we had hangars. Further, as far as I can tell nothing in my</p>	Troop	We have substantially revised and shortened to proposed Rules and Regulations in response to concerns raised by commenters.
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hangar lease or the FAR prevents this activity. These are just two examples from forty-four pages of new rules and regulations that are proposed. We have made a very large investment in land improvements on the land leased from the county, so we find this very concerning.

Please understand GA airports are a community much like the harbor is for boat owners. Imagine the local government issuing forty-four pages of new rules that every tenant and transit boat captain must learn and follow or potentially be deemed guilty of a misdemeanor and losing their boat slip. Pilots understand they must review the Airport Facilities Directory (A/FD) and Notice to Airman (NOTAMS) prior to arriving at a GA airport, but these additional new rules and regulations seem excessive and punitive to local and transit aircraft.

Destin Executive Airport (KDTS) is a general aviation airport where people enjoy freedoms that are not available at larger commercial airports. It seems like the newly proposed rules and regulations are not about safety and security but about micro-management and intimidation of KDTS tenants.

From the looks of the proposed documents, it appears that the County intends to make it an airport that supports regular commercial service similar to VPS. I can assure you the residents of Destin don't want that.

I don't believe any of the current tenants at KDTS see the need for more than forty pages of new rules and regulations with such serve penalties for infractions. I respectfully request the county restart the effort with, "What security and safety events have occurred over the past two years at KDTS that could have been prevented with new rules and regulations." Then produce a redlined document starting with the current KDTS Rules & Regulations so that everyone can understand the magnitude of change these new rules and regulations represent and the county provide justifications for the need to implement each new additional rule and/or regulation.

303		All	Both	<p>The attached comment matrix pages is my submission concerning the proposed Rules and Regulations and Minimum Standards put forth by the County Airport Office. ¶¶ The whole process of re-writing the Rules and Regulations and Minimum Standards is worrisome to airport tenants, users and pilots. It appears to be lacking in common sense in many areas, appears to be a simple cut and paste in some sections, and shows no real justification for the supposed need to review the older document. Age is not necessarily a reason to re-write the rules, there should be more concrete justifications for each of the proposed changes. ¶¶ The Destin Executive Airport and the Crestview Airports both have excellent safety records. No hangars have burned down, I only know of two aircraft accidents of significance in the 23 years I have been around the airport. The tenants and users are not happy with hangar lease policy. Many of the hangar owners have spent their lives in flying and owning planes, yet they have the threat of loosing their lease for even a minor infraction, especially if the airport director has a mind to take their hangar. Such a threat should not be on the minds of tenants. ¶¶ I am looking forward to the planned meeting to be held following the close of the comment period on January 31. It should be an open meeting at a location like the Destin City Hall, where tenants, users and others can talk face to face with the airport office personnel. A Zoom meeting does not do such a necessary meeting justice. It’s too difficult on Zoom to express one’s thoughts and reasoning concerning the new policy.</p>	Mansfield	<p>We appreciate the commenter's concerns. With respect to the process of preparing the proposed Rules and Regulations and Minimum Standards, please see our responses to comments 480 and 558. As we have stated at public meetings, public input has always been a central feature of the drafting process, and we have extended the comment period and added additional public discussion sessions to solicit and respond to those comments. We have made substantial revisions to the documents in response to public comments, to responsibly minimize Airport users' compliance burdens while adhering to best practices and upholding the County's own obligations as the Airports' sponsor.</p> <p>With respect to safety, please see our reply to comment 368.</p> <p>Regarding concerns about leases and enforcement, please see our responses to comments 5, 57, and 59. We have better defined the Airports Director's policy authority and overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.</p>
304		A.I.c.1	RR	<p>The Airport Director should not have so much authority to “interpret and apply the Rules and Regulations as he or she deems appropriate”. The rules should be clear enough that no interpretation is necessary, and a review board should be established when rules are in dispute made up of airport users and tenants</p>	Mansfield	<p>Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.</p>

305		A.IV.a.1	RR	There needs to be some limit as to how far the Airports Director can go in issuing citations, directives and in interpretive guidance. If such interpretation is necessary there should be a panel of tenants and others to decide such matters.	Mansfield	Please see our response to comment 60.
306		A.IV.a.3	RR	There should be a specific time limit whereby the RR will be made available to the person requesting such, and anyone who has contacted the county with the intent and interest in leasing a hangar should be given the Rules and Regs on the first contact	Mansfield	Please see our response to comment 92. The County will post the final Rules and Regulations and Minimum Standards on the Airports websites.
307		B.I.a.1	RR	The county rightfully charges users to operate on the airport but they should not be attempting to derive excessive revenue from such fees. The airport is a public entity and fees should compensate the county only to the extent of covering costs with extra for upkeep and future planning for need. The FAA provides grant money for major airport upkeep along with the county paying a percentage of that cost. The airports should not be bringing in money from airplane owners and users to make its bottom line look good.	Mansfield	Please see our response to comment 383.
308		B.I.b.1	RR	Determining fees for use is an elected official function, not an appointed person function. This leaves too much power in the hands of one person	Mansfield	We have revised paragraph B(I)(b) to assign this authority to the Board of County Commissioners itself.
309		B.II.a.1	RR	Determining rates and charges is the function of an elected official or appointed board, not one person	Mansfield	Please see our response to comment 308.
310		C.I.g.1	RR	Rules of the state of FL govern alcohol consumption I would think, and the county sheriff deputies should handle any resulting offences. From the advent of aircraft and hangars, pilots, passengers, maintenance personnel gathering at a hangar after their responsible work is done should be able to enjoy each other's company over a few beers.	Mansfield	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
311		C.IV.a.1	RR	Persons flying their own aircraft or friends flying with an aircraft owner should be able to carry a weapon if they have a concealed carry permit. Persons on a charter flight or Part 91 k. flight should have to abide by the rules of that carrier.	Mansfield	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
312		C.V.c	RR	Can a hangar owner not even put up a FIRE EXTINGUISHER sign, or EXIT sign?	Mansfield	Please see our response to comment 11.

313		C.VI.c.1	RR	Citizens have the right to take pictures or video of their interaction with a law enforcement officer, as long as they do not interfere with the officer. This statement doesn't need to be in the RR.	Mansfield	We have removed this paragraph.
314		D.II.F.1	RR	Passengers should be able to deplane and enplane where the plane is directed to stop by flightline personnel. That may be by the owner's hangar, on the ramp but away from movement areas. The ramp area should be available to all enplane and deplaning activity.	Mansfield	We have removed this paragraph.
315		D.II.j	RR	It is generally accepted that helicopters operate between hangars at times when they hover taxi, and use the "good neighbor" policy making sure all hangar doors are closed. In Kissimmee, FL, the local sheriff's department helicopters routinely hover taxi between hangar rows to get to their hangar.	Mansfield	We have removed this paragraph.
316		D.II	RR	The abandoned aircraft's owner should be given a specific period of time to remove the aircraft before it is forcefully removed by the county	Mansfield	We have removed this paragraph.
317		D.III.a	RR	Aircraft owners should be permitted to work on and have work done on their plane in their leased hangar, assuming it's done safely. It should be up to the aircraft owner where, how and who works on his plane. Creating rules otherwise is forcing the owner to go to an on-field maintenance facility who the plane owner may not want working on his plane. Preventing an aircraft owner from using who he wants to do maintenance on his plane in his leased hangar is in essence giving an on-airport maintenance facility exclusivity, and that's prohibited by the FAA.	Mansfield	We have removed the section formerly designated D(III).
318		D.III.b	RR	Aircraft cleaning should be allowed in one's hangar and outside the hangar. It's been the right of aircraft owners for decades and is actually, done very infrequently.	Mansfield	We have removed the section formerly designated D(III).
319		D.III.c	RR	Washing of aircraft should not require permission from the airport director, that's a nuisance requirement.	Mansfield	We have removed the section formerly designated D(III).
320		D.VI.a.5	RR	What is meant by "requisite fees"? Such fees need to be spelled out.	Mansfield	This refers to whichever fees might otherwise apply to the Airport user's activities on the Airport. The reference to "requisite fees" is merely intended to avoid the misperception that self-servicing an aircraft renders the Airport user exempt from any fees that might otherwise apply to the user's activities on the Airport.

321		D.VI.b	RR	Owners and pilots should not be required to have “all training and/or certification...” to self-service their airplane. FAA rules note what an owner can do on his/her plane and those rules are sufficient.	Mansfield	We have removed this paragraph.
322		F.III.c.5	RR	The Airport Director is not a pilot and never has been to my knowledge. I suspect he has never taxied an aircraft and does not know the capabilities of an aircraft when taxiing. He should not be the only one to determine where it is safe to drive or park a car or taxi an aircraft. Local pilots should be consulted when such areas are to be determined	Mansfield	We have removed this paragraph.
323		F.IV.i	RR	Owners of vehicles should only be allowed to park in their aircraft parking spot on the ramp for a short amount of time, when they are gone flying (i.e. 1 day). If they are to be gone more than one day the car should be parked in the normal FBO parking lot. This leaves more space for other aircraft. When the owner returns by plane a parking spot should be found for him, and his plane would have priority. If the aircraft owner is renting a specific spot from the county or FBO, then it’s his and he should be allowed to park a car there when he’s gone. Is the airplane owner renting a specific spot, or only permission to park his plane, long term, on the ramp.	Mansfield	We have removed this paragraph.
324		F.IV.k	RR	Does not make sense. A ground vehicle moving 25’ in front of a taxiing aircraft would be of concern to the pilot.	Mansfield	Please see our response to comment 324.
325		G.II.i	RR	After a warning by the airport director there should be a published time limit, in these rules, for compliance and cleaning the area by the tenant before the airport director hires someone to clean the area.	Mansfield	We have removed Section G entirely.
326		H.II.a	RR	Should not apply to aircraft owners, pilots or others when proceeding to an aircraft they are going to depart on, or when they are leaving an aircraft they recently arrived in. Note: The AOA area should not include Movement Areas. The Tower Ground Control function controls the Movement Area, the county can set reasonable rules and regulations for the AOA area not to include the Movement Area.	Mansfield	We have removed Section H entirely.

327	H.II.b	RR	Transients will be very unlikely to possess credentials or be very unlikely to go thru the process to obtain credentials to drive to their plane or return, especially if they arrived on a Part 91, k. flight. This is not necessary. Destin has not operated this way for over 30 years, it's not needed. What past occurrence justifies this rule. To enter a Movement Area, yes, some certification or escort or permission from the Tower should be required. (See the NOTE from the above comment)	Mansfield	We have removed Section H entirely.
328	H.II.c.1	RR	This is overreach, see above comment. Of course the general public should not be on the AOA but those departing on an aircraft or arriving on same are familiar with passenger procedures on a ramp and those who are not learn from those who are experienced. It's a pilot's responsibility to insure his passengers do not move into prohibited areas or in the vicinity of other aircraft. Much of this is common sense.	Mansfield	We have removed Section H entirely.
329	H.II.e	RR	If only able to enter the AOA escorted there will be a big backup of people in the terminal building, those able to escort will be prevented from performing their normal duties, and aircraft passengers will be very unhappy, and may not return. Pilots of aircraft should be able to go to and from their aircraft along with their passengers without needing any escort. Destin Executive Airport does not have airline, Part 121 operations.	Mansfield	We have removed Section H entirely.
330	J.I.c.3	RR	Airports director should only be allowed to investigate and recommend enforcement actions. The airport director or his employees are not a law officers. Too much power invested on one person.	Mansfield	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
331	J.II.b	RR	Too much power in the hands of the airport director. Any judgement and penalty assigned by a court should be the final judgement since it comes from a legal court of law. The airport director should not be able to add his penalty also, the legal court will most likely take into account the county rules and regulations.	Mansfield	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
332	J.III.a	RR	Who will make up the administrative review board? Possibly the county commission, but not the airport administrative office, they could not possibly be impartial.	Mansfield	We have removed Section J(III). Please see our response to comment 57 regarding the enforcement process.

333	J.III.b.2	RR	Airport director should be removed from the process. He/she is not an impartial party. An review panel should be established for such reviews made up of tenants, pilots or other users at the airport.	Mansfield	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.
334	Appx.A	RR	Should not be part of the Rules and Regulations. Gives too much power to the airport director. Such fines and decisions belong to a court	Mansfield	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
335	II.A.1	MS	Needs to be re-worded with the word “enforcement” removed. Too much power for one person	Mansfield	We consider it appropriate for the Airports Director (or his or her designee) to be delegated day-to-day enforcement authority over the Minimum Standards, as otherwise there would be no individual to do so on a day-to-day basis. However, as the Rules and Regulations make apparent, only the Board of County Commissioners has the authority to take substantive punitive action, such as terminating leases or issuing administrative penalties. For greater detail, please see our responses to comments 5, 57, and 59.
336	II.A.4	MS	The County should not be able to claim immunity any more than an individual using the airport can claim immunity. If a County employee leaves a tool on the taxiway and it causes a FOD problem, the County should be liable, just as a private company would be liable for such an incident.	Mansfield	Please see our response to comment 187. Paragraph II(A)(4) is taken almost verbatim from the existing Rules and Regulations (see County Code section 3-86(d)). Disclaimers of liability are common to airport policies.
337	II.A.7	MS	It should be noted that the Minimum Standards should not be exceeded without prior timely notice to all airport users and tenants. No surprises please.	Mansfield	This paragraph simply means that a Commercial Aeronautical Operator may exceed the minimum requirements reflected in the Minimum Standards if it so chooses. Therefore, for example, an FBO may have more on-duty staff at any given time than the Minimum Standards require.
338	II.D.1.a	MS	A flight instructor hired by an aircraft owner who’s plane is kept at the Destin Airport should be able to instruct in that owners aircraft without having to meet the minimum standards, other than those of the FAA for flight instructors. Making such a requirement appears to be intended to force said aircraft owner to go to the on-field flight school, when the owner wishes to use an instructor of his own choosing. An on field flight school has no exclusive right to provide the only flight instruction.	Mansfield	The proposed Minimum Standards specifically exempt infrequent, itinerant flight instructors and instructors who provide instruction in the student's own aircraft. Please see paragraph II(D)(1)(a) & (b), which provide that the Minimum Standards "shall not apply" to such instructors.

339	V.C.5.2	MS	There obviously could be situations where the county could be liable for an accident or injury that occurs. Suppose a tractor mowing grass pulled onto the runway when a plane was on short final or suppose that mower threw a rock or a blade into an aircraft, seems the county could be held liable.	Mansfield	With respect to the County's liability, please see our response to comment 187. However, paragraph V(C)(5) merely clarifies that the requirement for Commercial Aeronautical Operators to obtain insurance should not be interpreted as an assumption of liability by the County.
340	V.D.1	MS	“but not limited to...”, implies other rules the Commercial Aeronautical Operator is subject to. Such other rules should be listed.	Mansfield	This provision merely states that a Commercial Aeronautical Operator must follow whatever laws and requirements the operator would have to comply with regardless of the Minimum Standards. The statement is intended to avoid any doubt that the County will expect its Commercial Aeronautical Operators to abide by their other legal responsibilities.
341	V.E.4.a	MS	If a hangar door is damaged by the hangar tenant, he/she should fix it. If the hangar door fails due to wear and tear or other reason the county as owner should make the repair at it's expense. The county should maintain it's own property that is rented. This should not be a blanket statement that the renter is responsible for the whole facility he/she does not own.	Mansfield	We appreciate the comment but believe that the language as drafted appropriately allocates responsibility between a commercial tenant and the County as a general matter. Further, this provision allows for the lease or operating agreement to allocate responsibility differently. The Rules and Regulations further require that anyone who damages Airport property is responsible for the cost of repairs.
342	V.E.4.b.3	MS	See item #8 above. Utility line maintenance and pavement maintenance should not be the responsibility of the hangar renter since he/she does not own the property. If the renter damages the utility line or pavement then yes, they should pay for the repair. Upkeep is the counties job.	Mansfield	Please see our response to comment 341. Please note that paragraph V(E)(4)(b) only applies to utility-line maintenance "within such Commercial Aeronautical Operator's leased premises[.]"
343	V.G.1.3	MS	“promptly “ should be replaced with a specific time frame	Mansfield	We have changed "promptly" to "with ample notice," a more-flexible policy. We do not think it is best to specify a rigid timeframe, which could actually prove less accommodating to Airport tenants.
344	V.G.2.a-b	MS	Over burdened requirement. Frequently aircraft come to be worked on and leave the same day.	Mansfield	Please see our response to comment 514. While we have exempted certain itinerant flight instructors from the requirements of paragraph V(G)(2), we are not exempting those bringing an aircraft onto the Airport to conduct an aeronautical activity. In general, we would not consider the presence of aircraft on the Airport for one day for immediate repairs to be conducting a commercial aeronautical activity, but how this provision would apply in a specific case would depend on the circumstances, including how frequently that operator brought that aircraft onto the Airport. The County has a strong interest in assuring that commercial operators have proper insurance for aircraft they use in their operations at or from the Airport.

345		VI.A.5.5	MS	Seems it's the FBO manager's job to "inspect" his employees, not the county.	Mansfield	We have removed this provision.
346		VI.A.6.4	MS	An employee of the FBO who is causing concern should be counseled. This sentence makes it sound like the county is requiring the FBO to fire the employee. Needs to be re-worded.	Mansfield	We do not interpret paragraph VI(A)(6) to require such termination, but we do require the FBO to do whatever is necessary, under the circumstances, to ensure that its employees are demonstrating proper conduct, demeanor, and appearance.
347		VI.A.8.3	MS	The airport director does not need all this info "for all personnel responsible for the operation and management...". At most 3 persons in management at the FBO should provide name, position name, and two phone numbers.	Mansfield	We have removed "operation and" from this requirement. Therefore, the requirement now applies only to FBO management. We believe it is important to have this contact and background information to facilitate emergency contacts and ensure the County has knowledge of those with particularly significant influence over activities on the Airport. We also do not believe this requirement is particularly burdensome, especially for FBO managers.
348		VI.A.8.7	MS	This requirement is an overburdening requirement. The FBO manager should have at least 1 week to provide the information noted in the above comment.	Mansfield	The 24-hour notice requirement is largely intended for Airport safety and security; the County considers it important to be able to contact an FBO manager reliably on short notice, and to know if a person whom the County understood to be an FBO management employee is no longer in a position to handle emergencies.
349		VI.A.9	MS	No. This is not necessary. Pilots are experienced at transiting a ramp to and from their aircraft, and many times passengers are too. If not the pilot can escort his passengers to and from the plane. This is not an airport with Part 121 operations.	Mansfield	We have removed the requirement for an FBO to escort flight crews.
350		VI.B.2.d	MS	To my knowledge there is only one hangar large enough to meet this qualification and it is leased to one tenant and there is one plane in the hangar at a cost of around \$7,000 per month. Does this part (d) mean such a hangar should be available for four aircraft or can it be used for 1 aircraft? Needs clarification.	Mansfield	This provision applies only to an FBO and only requires that hangar space be available, not that the four parking spaces must be assigned to a particular aircraft at any given time or be actually used by four aircraft.
351		VI.D.5	MS	To my knowledge there is no FAR Part 135 charter or air taxi service on the field. I don't think the FBO should be required to provide such service.	Mansfield	Please see our response to comment 456.

352	VI.D.6.b-c	MS	These items are outdated and not needed. Someone just cut and pasted old info into the proposals without reading it or understanding it.	Mansfield	<p>We have revised paragraph VI(D)(6)(b) to provide that the FBO must have "a suitable space properly equipped to provide ready physical or digital access to relevant aeronautical charts, the FAA's Aeronautical Information Manual, and all current NOTAMs, and the ability to contact the Flight Services Station." This would give an FBO the option to provide, for example, a laptop with Internet connection for checking aeronautical charts, the AIM, and NOTAMs, and a phone to contact the Flight Services Station.</p> <p>We have kept paragraph VI(D)(6)(c) to ensure phone access for FBO users, partially to accord with state practice.</p>
353	VI.E.1	MS	Fuel should be "100LL" octane not "100". Provisions should be required for the new FAA approved 100UL fuel when it becomes available	Mansfield	We have deliberately avoided specifying "100LL" to allow for flexibility when unleaded fuel becomes widely available and we have clarified that any fuel must be FAA approved.
354	VII.G.1	MS	I doubt it's possible for a one man operation to succeed with all the requirements in this section G. This stifles new business and promotes a monopoly.	Mansfield	While we do not intend to preclude a one-person operator from providing aircraft engine and airframe maintenance and accessory sales, we believe it is important that anyone who enjoys the benefits of providing such a service at an Airport do so with the qualifications and consistency necessary to be a reliable service provider for Airport users and meet the County's service standards. As section VII(O) provides, the County will permit Itinerant Maintenance Providers to offer maintenance services at the Airport as well.
355	VII.G.3.c	MS	Will the maintenance operator/owner have to get the airport director's permission to wash aircraft at his facility? If not, then hangar owners should not have to call either. See RR, D., III., c.	Mansfield	Please note that we have removed former paragraph D(III)(c), which concerned aircraft washing, from the proposed Rules and Regulations.
356	VII.J.1-3	MS	A one man operation could not function with these requirements. There would not be enough income to pay the expenses. Why could there not be an Itinerant Flight Instructor clause as there is an Itinerant Maintenance Person section.	Mansfield	We have revised this language to require only the appropriate level of certification for the type of instruction being offered. With respect to itinerant flight instructors, please see our response to comment 338.

357	I	MS	<p>“Itinerant Flight Instructor – A Commercial Aeronautical Operator that leases no space on the Airport, neither controls nor owns any facilities or structures on the Airport, and either arranges for the performance of a Commercial Aeronautical Activity (flight instruction) on behalf of others at the Airport or whose sole Commercial Aeronautical Activity on the Airport is to provide aircraft flight instruction for a period of time at the invitation of an aircraft owner, or local citizen”. Not allowing this is in essence forcing an aircraft owner or prospective student pilot to use the local brick and mortar flight school, which said person may not wish to do.</p>	Mansfield	Please see our response to comment 338.
358	VII.L.3.a.2 and VII.L.3.b	MS	<p>The FAA does not require a UAS Operator have either a PPL or Instrument Rating, and the county Rules and Regulations should not require that either. The county airport director is not in the flight certificate issuing business and should not be requiring a drone pilot to obtain “UAS Operations License” issued by him.</p>	Mansfield	We have removed the requirement for a UAS Operations License and modified paragraph VII(L)(3)(a) to require only "current FAA required certification."
359	VII.M	MS	<p>Not a recommended activity at Destin Executive Airport, probably would not be recommended by Eglin RAPCON either.</p>	Mansfield	Acknowledged.
360	VII.O.E	MS	<p>The airport director should not be telling the Itinerant Maintenance Provider when he/she can work as long as they provides safe and appropriate service to customers.</p>	Mansfield	We have removed this paragraph.
361	VII.O.F.3	MS	<p>An Itinerant Maintenance Provider should be able to store heavy, difficult to move equipment (i. e.,jacks, compressors) in a hangar owners hangar, with that owners permission, in order to do his work efficiently.</p>	Mansfield	Please see our response to comment 148. Allowing an operator enjoy the benefits of a based Commercial Aeronautical Operator without obtaining a lease or complying with the other Minimum Standards applicable to such an operator raises concerns of unjust discrimination with respect to other based commercial operators.
362	VII.O.H	MS	<p>“Sufficient capacity” is too subjective a term. This rule leaves too much up the airport directors subjective decision making. “Sufficient capacity” should be defined objectively.</p>	Mansfield	What constitutes sufficient capacity will depend on the actual conditions at the Airport at a given time. Rather than constrain both Itinerant Maintenance Providers and the County by imposing a rigid capacity standard that may simply not be reasonable under a given, unforeseen situation at the Airport, we are proposing this qualitative standard, which allows the Airports Department to make a reasonable assessment of whether the Airport can, in fact, accommodate a prospective Itinerant Maintenance Provider.

363		VII.O.G.b-d	MS	(b) & (c) Should have no bearing and be removed. (d) OK	Mansfield	We disagree that clauses (b) and (c) should be removed. Clause (b) allows the County to take into consideration the Itinerant Maintenance Provider's history and demonstrated capabilities on the Airport, both of which could speak to the quality, safety, and responsibility of the operator. Clause (c) would enable the County to support aircraft owners and operators by more readily permitting warranty service providers to offer itinerant maintenance services to those covered by a warranty.
364		K.h	RR	The definition of an Airport Operations Area should be changed and not include "aircraft movement areas". "Movement Areas" are controlled by the Tower Ground Control function and not the county. See H., II., a.	Mansfield	We believe the definition of the AOA is sufficient.
365		K.bb	RR	Good description of the Movement Area at DTS	Mansfield	Thank you.
366	General	All	Both	At a public meeting held August 24, 2022 in Destin, Okaloosa County Airports Director, Tracy Stage, said the department had been working on these proposed rules and minimum standards for two years, but when it was requested at the public meeting for the department to provide the proposed rules, as sent to the FAA for review, to the public, Mr. Stage refused, which is a violation of the Florida Public Records Statute Chapter 119.¶	Smith	The commenter is mistaken. At the August 24, 2022 public meeting, Mr. Stage promised that the County would make public the draft documents once the FAA returned comments for the County's review. The County provided such documents in response to at least one public records request.
367	General	All	Both	The Commissioners, the Aviation Board and the public have not been provided a strike through draft that indicates what is being removed and what is being added nor have they been provided with the reasoning or purpose of the proposed changes, except that the old rules were adopted in 1977. The Department (The Director and all subordinates that relate to the airports) neglected to inform us that there have be amendments and that the current Minimum Standards are dated May 30, 2008.¶	Smith	In addition to these responses, the County is pleased to release a document comparing (a) each provision of the existing Rules and Regulations and Minimum Standards with (b) the most-corresponding provision in the proposed Rules and Regulations and Minimum Standards that the County released in 2022 and (c) the latest version of that proposed provision.

368	General	All	Both	<p>The Department has not provided a Determination of Need to create 43 pages of new rules and 44 pages of new minimum standards which are in fact law as they are to be adopted as County ordinance the violation of which may result in fines, evictions and/or criminal prosecutions. This is method of ordinance amendment is not consistent with the procedure that Okaloosa County typically follows. For example, Okaloosa County Ordinance 22-10 which is in its entirety two lines providing the number of parking spaces required for “Livery vessel rental” contains 19 “whereas clauses” explaining the need and purpose of the ordinance.¶</p>	Smith	<p>The County has explained its reasons for updating the existing Rules and Regulations and Minimum Standards, which, as the commenter observes, principally date back over four decades.</p> <p>Among other reasons, the County intends to reduce ambiguity in the existing policies, which are silent or provide minimal guidance with respect to various Airport uses and activities. The County is also updating its policies to ensure that they align with current federal policy, including the FAA's Airport Improvement Program grant assurances and Revenue Use Policy; the FAA's grant assurances have been revised repeatedly since the County introduced its existing Rules and Regulations and Minimum Standards, and the Revenue Use Policy did not exist at that time.</p> <p>Furthermore, the County seeks to improve the safety, efficiency, and order of the Airports by addressing problems that have arisen over several years, even if most Airport users have, fortunately, not experienced such problems. Finally, and most importantly, the County is updating these Rules and Regulations and Minimum Standards to better ensure that safety incidents do not occur at the Airports in the future.</p>
369	General	All	Both	<p>The draft rules and standards improperly modify the rights of airport tenants under existing leases.¶</p>	Smith	<p>Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.</p>
370	General	All	Both	<p>The draft rules and standards contain provisions that are contrary to the purpose and the requirements of the Federal Airports Improvement Program (AIP) grant assurances which require the County “to operate the airport for the use and benefit of the public and to make it available for all types , kinds, and classes of aeronautical activity and without granting an exclusive right.”¶</p>	Smith	<p>The County disagrees that the proposed Rules and Regulations and Minimum Standards run contrary to the purpose or the language of the AIP grant assurances. To the contrary, the County has prepared these proposed policies to better align with the current AIP grant assurances and to provide greater clarity to aeronautical operators and other Airport users regarding the County's requirements. We have responded to each of the commenter's more-specific comments in this document.</p>

371	General	All	Both	<p>The Director has presented a power point presentation that shows an FAA logo that states “FAA Certified” - https://flyvps.com/wp-content/uploads/2022/12/12.12.2022-OCAB-Final-slides.pdf (p. 4) ¶¶¶Either the Director is attempting to deceive the Commission, the Airport Board and the public or the Director misunderstands the extent of FAA review of any Sponsor documents. The FAA does not certify Rules and Standards of the Sponsor. ¶¶¶Per FAA AC No. 150/5190-7¶¶“The FAA does not approve minimum standards. However, the FAA airports district and regional offices will review proposed minimum standards at the request of an airport sponsor. The FAA regional and district offices may advise airport sponsors on the appropriateness of proposed standards to ensure the standards do not place the airport in a position inconsistent with its Federal obligations.” ¶¶¶Because the FAA cannot be familiar all conditions at all airports, the FAA cannot “certify” that any specific rule or standard would not be discriminatory or create an impermissible exclusive right in violation of ¶¶AIP grant assurances.¶¶¶</p>	Smith	<p>This commenter is correct that the Rules and Regulations and Minimum Standards are not "FAA Certified." The icon "FAA Certified" referred to the County's airport system, not to the draft Rules and Regulations or Minimum Standards. At a public meeting on August 24, 2022, the Airports Director stated that the County's airports are certificated or licensed by certain regulatory agencies; the "FAA Certified" graphic appeared in a PowerPoint slide that the Airports Director displayed when he made that statement to illustrate his point.</p>
372	General	All	Both	<p>Per FAA AC No. 150/5190-7¶¶“Minimum standards should be tailored to the specific aeronautical activity and the airport to which they are to be applied. For example, it would be unreasonable to apply the minimum standards for a fixed-base operator (FBO) at a medium or large hub airport to a general aviation airport serving primarily piston-powered aircraft. The imposition of unreasonable requirements illustrates why “fill-in-the-blank” minimum standards and the blanket adoption of standards of other airports may not be effective.”¶¶¶Compliance with the grant assurances is the solely the Sponsors responsibility.</p>	Smith	<p>Acknowledged. From the first draft through the current draft, the proposed Minimum Standards and Rules and Regulations have been specifically tailored to address the needs CEW and DTS. That process includes the solicitation and response to comments, and will continue through final action by the Board of County Commissioners.</p>

373	General	All	MS	<p>The primary purpose of the Minimum Standards is to “ensure a safe, efficient and adequate level of operation and services is offered to the public.” [emphasis added] (FAA AC No. 150/5190-7) ¶¶In other words, the purpose of the MS are to ensure certain services that the Sponsor deems necessary and/or beneficial are available to the airport users. ¶¶The airports are important economic generators for the County and convey the image of County. The County should desire that airport users, Okaloosa County residents, visitors and businesses, have a good experience and are treated fairly. ¶</p>	Smith	<p>The County agrees that it is important to treat Airport users fairly and promote a good experience at the Airports. It is our goal to implement policies that promote safe, efficient, and adequate service and therefore promote a positive Airport experience for each user.</p>
374	General	All	MS	<p>The Sponsor should “[e]nsure standards are reasonable, not unjustly discriminatory, attainable, uniformly applied and reasonably protect the investment of providers of aeronautical services to meet minimum standards from competition not making a similar investment.” [emphasis added] (FAA AC No. 150/5190-7) ¶¶In other words, if the Sponsor allows an aeronautical provider to outsource an aeronautical activity required by the MS, then the aeronautical provider has not necessarily made the “investment” required to warrant “protection.”¶¶Ex: Where an FBO is allowed by the Sponsor to provide the required “Air Taxi/Charter Service” (or any other required aeronautical service) by an agreement with a third party to provide the service, the FBO has not made the level of investment necessary to warrant “protection” with regard to that service.¶¶“Any use of minimum standards to protect the interests of an exclusive business operation may be interpreted as the grant of an exclusive right and a potential violation of the airport sponsor’s grant assurances and the FAA’s policy on exclusive rights.” (FAA AC No. 150/5190-7)¶</p>	Smith	<p>The County shares the commenter's desire to ensure that its Minimum Standards meet the FAA criteria that the commenter has cited. However, the County does not agree with the commenter's view that permitting an FBO to contract out certain services, such as air taxi/charter service, to a third party undermines the proper purpose of Minimum Standards. First, we note that our goal is not to "protect" a particular FBO or other operator, but rather to provide privileges that incentivize the provision of high-quality services to the Airports' aeronautical users. Providing the FBO flexibility to use its own personnel and equipment or a contractor's to provide certain services, such as air taxi/charter service, is not necessarily the County's concern best accomplishes that, provided that the FBO ensures that its contractor(s) provide the services, at the service levels, required by the Minimum Standards.</p>

375	General	All	MS	The Sponsor should “[e]nsure standards provide the opportunity for newcomers who meet the minimum standards to offer their aeronautical services within the market demand for such services.” (FAA AC No. 150/5190-7) ¶¶MS must be “reasonable” and “attainable” and relevant to the particular aeronautical activity in question.¶¶Aeronautical service providers that desire to provide services in Okaloosa County should be welcomed and encouraged as would any other business that desires to operate in Okaloosa County.¶¶It is unfortunate that Okaloosa County pilots and aircraft owners routinely take their aviation related business to Santa Rosa County, Walton County and Alabama.¶	Smith	We agree with the commenter that the County should welcome and encourage aeronautical businesses. We have worked to prepare Minimum Standards that provide clear, even-handed, and reasonable rules, in part to attract high-quality Commercial Aeronautical Operators to the Airports.
376	General	All	MS	“Airport sponsors should carefully scrutinize the safety reasons for denying an aeronautical service provider the opportunity to engage in an aeronautical activity . . .” (FAA AC No. 150/5190-7)¶¶“The FAA is the final authority in determining what, in fact, constitutes a compromise of safety.” (FAA AC No. 150/5190-7) ¶¶The holders of FAA certificates are considered qualified to operate within the limitations of the certificate and operation within the FARs is considered safe.¶	Smith	Acknowledged.
377	1	A.I.b	RR	Authority - Recommend that there be one statement that all federal, state and county law shall be complied with rather than unnecessarily repeating the obvious required compliance in every section.¶	Smith	The proposed Rules and Regulations do make several references to compliance with federal, state, and local laws. However, they typically do so in different contexts, and in order to emphasize particular areas of regulation, such as paragraph C(IV)(a) (referencing specific weapons policies) and paragraph F(II)(b) requiring commercial ground transportation providers to have all applicable state or federal licenses or permits.
378	1	A.I.c	RR	Authority - Improperly allows the “Airports Director” to apply County Ordinance as “he or she deems appropriate. – Does not provide due process, a violation of the 5th and 14th Amendments to the United States Constitution. Ratified 1791 & 1866.¶	Smith	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
379	1	A.I.c	RR	Authority - Improperly allows the “Airports Director” to create or amend County Ordinance.¶	Smith	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.

380	2	A.IV.a	RR	Administration – Citations - Ordinance does not provide citation penalties.¶	Smith	Please see our response to comment 60.
381	3	A.V.a	RR	Commercial Activities – Approval - There should be a timeframe for Department approval. There should be allowances for emergencies. (Ex. Emergency repairs of disabled aircraft, Wrecker recovery or lifting of aircraft that have departed the pavement) The Department should provide an application with a checklist for various commercial activities.¶¶County policy should be to encourage and assist commercial applicants to do business at County airports.¶	Smith	<p>We understand the desire to set a timeframe for the County to approve applications. However, the approval process is often dependent on the nature of the activity proposed, and can require extensive negotiation and cooperation between the applicant and the County--and, potentially, federal or state regulators--to achieve a workable solution. As such, the County is not prepared to set a general deadline for approval of applications. However, the County welcomes Airport users' views on ways to improve the approval process, including the suggestion to prepare a checklist for applications.</p> <p>With respect to emergency services, we have revised paragraph A(V)(a) to permit the Airports Director to waive that paragraph's requirements to the extent he or she reasonably deems necessary to address emergency situations on the Airport.</p> <p>We welcome commercial applicants to do business at the County's Airports in compliance with our Rules and Regulations and Minimum Standards. We hope that these proposed Rules and Regulations and Minimum Standards will lessen ambiguity and therefore help prospective Commercial Aeronautical Operators develop proposals to serve our tenants and other users.</p>

382	3	A.V.c	RR	Commercial Activities – Approval - Why is the County concerned whether a provider is an employee or independent contractor? The current flight school at DTS engages independent contractors as instructors. There are situations where a maintenance facility or FBO must engage subcontractors where they do not have employees with the necessary abilities or equipment. ¶¶Requires approval for commercial non-aeronautical activities. Does this include vending machines, janitorial services, tug maintenance?¶	Smith	<p>It is important for the County to understand who is providing services at the Airport and to ensure they are complying with our Rules and Regulations and Minimum Standards. Having this information can, among other things, be important to enable the County to comply with its own federal obligations and risk-management needs.</p> <p>To the extent a commercial non-aeronautical activity is subject to a written agreement with the County, then subleasing, assignment or subcontracting thereunder will require the County's approval. Occasional or periodic subcontracting of services to obtain specialized expertise would not require a new operating agreement since those services are covered by the existing operating agreement. The same principal would apply to maintaining equipment that is covered by an existing operating agreement.</p>
383	4	B.I.a-b	RR	Rates and Charges - While it is an FAA mandate to make the airport as self-sustaining as possible, Is it the policy of the County Commissioners “to compensate the County for the privilege of conducting commercial activities on and deriving revenue from the Airport: and to derive a reasonable rate of return from the use of Airport facilities?” The airports provide an enormous economic benefit to the County without the need to unjustly tax local airport businesses and users. Excessive taxation and fees will drive airport users to Walton, Bay and Santa Rosa Counties to the detriment of Okaloosa County businesses.¶¶-----PUBLIC RECORDS REQUEST----¶Please provide the names, titles and FAA certificates (if any) of all Department employees that hold supervisory or management positions relative to DTS or CEW airports.¶	Smith	<p>The County follows FAA policy that requires that Airports system to be "as self-sustaining as possible under the circumstances" (see 49 U.S.C. 47107(a)(13) and Airport Improvement Program Grant Assurance 24). The County values and encourages the economic benefits that its airports provide to our residents and businesses. The County believes the rates and charges it has set are reasonable and appropriately balance the need to make the Airports self-sustaining while minimizing the burden on Airport users. The County has no intention to unjustly or excessively charge Airport users.</p>
384	5	C.I.a-e	RR	Conduct -No person shall interfere – ¶Unnecessary – covered by existing law or ordinance¶	Smith	<p>As with several other provisions of the draft Rules and Regulations, we have included these paragraphs to provide a ready mechanism for the County to take administrative action against those who prove disruptive or dangerous to Airport operations.</p>
385	5	C.I.g	RR	Conduct – No alcoholic beverages - It is not uncommon for alcoholic beverages to be provided on private and charter aircraft. Will this apply to private leased hangers?¶	Smith	<p>Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.</p>

386	5	C.I.k	RR	Conduct – No person shall leave rubbish -¶Unnecessary – covered by existing law or ordinance¶	Smith	We have removed this paragraph in response to commenters' concerns.
387	6	C.II.c	RR	No loitering –¶Unnecessary – covered by existing law or ordinance – ¶	Smith	We are not aware of a statute that provides the same specific provisions as our paragraph regarding loitering. As with several other provisions of the draft Rules and Regulations, this paragraph is intended to provide clarity to Airport users and provide a clear mechanism for the County to take reasonable action against those who prove disruptive or dangerous to Airport operations.
388	6	C.II.d	RR	Access to AOA -¶Definition of AOA is ambiguous ¶	Smith	The Airport Operations Area is defined in paragraph K(h) and we do not believe it is ambiguous.
389	6	C.II.e-h	RR	Clarify – Does not include ramps/aircraft parking areas. Clarify so reference to “Section K – Definitions” is not required to make that distinction.¶	Smith	In keeping with other defined terms in the Rules and Regulations, and to avoid redundancy, we will continue to direct readers to the Definitions section for definitions of defined terms.
390	7	C.IV.a-b	RR	Prohibition on firearms on airport property –¶Violation of the 2nd Amendment to the United States Constitution. December 15, 1791. Weapons are permitted in checked baggage of commercial air carriers.¶	Smith	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
391	7	C.IV.e	RR	Any object that resembles destructive device prohibited -¶Will this apply to antique warbirds with mock guns, rockets or torpedoes?¶	Smith	Please see our response to comment 33.
392	8	C.V.b.i	RR	Requirement to obey signs -¶Unnecessary ¶	Smith	As with several other provisions of the draft Rules and Regulations, we have included paragraph C(V)(b)(i) to provide a ready mechanism for the County to take administrative action against those who prove disruptive or dangerous to Airport operations.
393	8	C.V.b.ii	RR	Deputizes “County employees assigned to the airport.” Ambiguous – does not define what “direction” or specify qualifications of employee. Conflicts with 14 CFR 91.3(a) “The pilot in command of an aircraft is directly responsible for, and is the ¶final authority as to, the operation of that aircraft.”¶	Smith	We have revised paragraph C(V)(b) to remove reference to "other County employees assigned to the Airport." To clarify, this revision has no impact on any other provisions of the Rules and Regulations regarding the authority of County officials or staff. We do not perceive any conflict between paragraph (C)(V)(b) and 14 C.F.R. 91.3(a). We do not believe that 14 C.F.R. 91.3(a) prohibits an airport operator from reasonably controlling the use of its airfield.
394	8	C.V.c	RR	Prohibition on installing sign on interior or exterior of building - Does this apply to tenant spaces?¶	Smith	Please see our response to comment 11.

395	8	C.VI.a-c	RR	Prohibition on Commercial Photography and Video - ¶Overreaching. Section title refers to Commercial Photography and Video but paragraphs a-c state “no person shall take . . .” Violation of the 1st Amendment to the United States Constitution. Ambiguous – Current case law provides that posting video to youtube may be a commercial purpose or may be considered new media or both or neither. Per TSA’s website: “TSA does not prohibit photographing, videotaping or filming at security checkpoints, as long as the screening process is not interfered with or sensitive information is not revealed.”¶	Smith	We have removed this section. However, as we note in response to comment 34, it tracks the existing Rules and Regulations.
396	8	C.VIII.a-c	RR	Prohibition on picketing, marching, demonstrating - ¶Violation of the 1st Amendment to the United States Constitution. Ratified 1791 Grants the Director the authority to determine who may be granted permission. See Police Dept. of Chicago v. Mosley, 408 US 92 - Supreme Court 1972. Section c. states Director cannot discriminate but he can in fact if he has full discretion. ¶	Smith	Please see our response to comment 80. The County believes that this section (redesignated Section C(VI)) accords with the Constitution and upholds the right to free expression. See <i>Int'l Soc'y for Krishna Consciousness, Inc. v. Lee</i> , 505 U.S. 672 (1992) and <i>Atlanta Journal & Const. v. City of Atlanta Dep't of Aviation</i> , 322 F.3d 1298 (11th Cir. 2003).
397	9	C.IX.a,c-d	RR	Prohibits damage to airport property - ¶Unnecessary – covered by existing law or ordinance¶	Smith	As with several other provisions of the draft Rules and Regulations, we have included these paragraphs (now redesignated C(VII)(a), (c), and (d)) to provide a ready mechanism for the County to take administrative action against those who prove disruptive or dangerous to Airport operations.
398	9	C.X.a-b	RR	Residential use - ¶Zoning regulation¶	Smith	Please see our response to comment 12. It is within the County's authority as Airport proprietor to restrict residential use of Airport facilities.
399	10	C.X.c	RR	“No person shall taxi and aircraft between any location on the Airport and any off-Airport property used for residential purposes.”¶Unclear – wrong section for taxi rules¶	Smith	We have included this provision here because it concerns residential activities.
400	10	C.XI.a	RR	At time it may be necessary to store “non-airworthy aircraft.” Ex: Settlement of estates, insurance claims, financial situations. Verify complies with FAA requirements. Is a “non-airworthy aircraft” permitted within the FAA grant assurances if said aircraft is capable of being made airworthy in the future?¶	Smith	Please see our response to comment 13.
401	10	D.I.a	RR	Operation of aircraft by licensed pilot in accordance with FARs - ¶Unnecessary. Pilot licensure and operation of aircraft are preempted to the federal government.¶	Smith	Please see our response to comment 159.

402	10	D.I.b	RR	Shall display airworthiness certificate - ¶Unnecessary. Airworthiness determinations are preempted to the federal government. Pilot licensure and operation of aircraft are preempted to the Federal government. Pilots are only required to provide license to law enforcement or the FAA.¶	Smith	Please see our response to comment 159.
403	11	D.I.c	RR	Requirement obtain clearance and communicate - ¶Unlawful for County to legislate. Control of aircraft is preempted to the federal government.¶	Smith	Please see our response to comment 159.
404	11	D.I.d	RR	Prohibition on aircraft operation in “reckless or negligent manner.”¶Determination of safe operation of aircraft preempted to federal government.¶Unnecessary – covered by existing law or ordinance.¶	Smith	We have removed this paragraph.
405	11	D.I.e	RR	Director shall temporarily prohibit or limit access to airport - ¶Unlawful for County to legislate. Control of aircraft is preempted to the federal government. There are existing federal regulations that provide for how, when and for what reason aircraft operations may be restricted at a federally funded airport.¶	Smith	We have removed this paragraph. However, we note that Federal law does not prohibit or preempt the County from temporarily closing or limiting operations at the airport for safety reasons. The FAA permits an airport sponsor to close an airport temporarily for safety reasons. For example, Grant Assurance 19(a)(3) states in relevant part, "Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance." See also Grant Assurance 22(i).
406	12	D.II.m-n	RR	County officials investigating any aircraft accident or incident - ¶¶“County officials” have no authority to “investigate” aircraft accidents or incidents. The county does not have anyone qualified to investigate accidents or incidents and what purpose would it serve. The FAA, NTSB and law enforcement already serve that purpose.¶¶“The FAA does not want airport sponsors to investigate suspected illegal aeronautical activities such illegal air charters. The sponsors do not have the responsibility or expertise to conduct investigations of suspected illegal aeronautical activities.” (FAA 5190.6B Change 2 10.7 b.)¶	Smith	We have modified former paragraph D(II)(m) (now redesignated D(II)(e)) to remove reference to state or County officials. We do not believe that former paragraph D(II)(n) (redesignated D(II)(f)) confers any investigative responsibility on any party.
407	13	D.III.c	RR	Dry washing prohibited? What is the purpose of prohibiting washing aircraft with a rag? ¶	Smith	We have removed the section formerly designated D(III).

408	13	D.IV.b	RR	Constructing pavement – ¶Pavement that is intended to accommodate a C172 will have to accommodate a C130? Unreasonable to require pavement to accommodate heaviest aircraft in locations not accessible to those aircraft. Unnecessary in the RR as any paving will require permits and other permissions. ¶	Smith	We have removed this paragraph.
409	14	D.V.a-c	RR	Prohibition on aircraft by type - ¶Preempted by federal regulation and AIP grant assurances which require the County “to operate the airport for the use and benefit of the public and to make it available for all types, kinds, and classes of aeronautical activity and without granting an exclusive right.” Airports Director is not authorized to issue “directives” except upon approval of the FAA. ¶	Smith	We have removed the section formerly designated D(V).
410	14	D.VI.a-d	RR	Ambiguous. May a pilot self service an aircraft owned by an LLC or Corporation of which the pilot is and member or owner? Does not conform to the definition of self-servicing as defined by the FAA. Covered by FAA regulations. Aircraft manufacturers are prohibited from providing warranty service per these RR. ¶	Smith	We have removed these paragraphs.
411	15	D.VI.e	RR	Ambiguous. Does not conform to the definition of self-servicing as defined by the FAA. ¶¶As a policy, the County should consider allowing tenant owners to decide who conducts work on their own aircraft. The county does not have liability for work done by an FAA certificated individual until the County gets involved in determining who is allowed to work on that owners aircraft. The County should seek a legal opinion as to whether they have more or less liability by restricting aircraft owners access to the mechanic of their choice. ¶	Smith	The County does not consider this provision ambiguous. Rather, the County believes that this paragraph upholds, and conforms with, FAA policy regarding self-servicing. As the FAA's Airport Compliance Manual (FAA Order 5190.6B, Change 2) provides, "An aeronautical user exercising its right to self-service or self-fuel is also required to use its own employees and equipment." Further, nothing in the Rules and Regulations limits who an aircraft operator may hire to work on their aircraft. However, the County does require that entities providing commercial aeronautical services comply with the Minimum Standards.
412	15	E.I.a	RR	References documents that are updated regularly - ¶Will require County ordinance to be constantly updated as these sources are updated. ¶	Smith	Paragraph E(I)(a) is written to recognize the likelihood that some referenced documents may be updated or even superseded from time to time: The paragraph provides, "All fuel handling and dispensing on the Airport shall be performed in compliance with the following, <i>as each of the same may be amended or superseded</i> ["]
413	16	E.II.a-g	RR	Applicable to non-commercial operations? Commercial operations should be covered in MS. ¶	Smith	We have removed this section.

414	16-25	E.III-IX	RR	Applicable to non-commercial operations? Commercial operations should be covered in MS. In any instance where the department requires a tenant or airport user to provide information to the department to conduct and aeronautical activity, the department should be required to provide a form and checklist of the items required and the department should have a mandatory timeframe to respond. If the department does not act in the required timeframe, the requested activity shall be deemed granted, subject to continued compliance with relevant regulations.¶	Smith	<p>We have greatly reduced Section E. The generally applicable requirements of Section E(I) apply to both commercial and non-commercial Fuelers, given that fueling poses safety concerns applicable to both groups. Many provisions of the Rules and Regulations apply to Airport users regardless of their status as a commercial or non-commercial operator. The Minimum Standards provide additional fueling requirements applicable to certain Commercial Aeronautical Operators.</p> <p>The newly created Section E(III) requires the Airports Director to prepare a standard application for a self-fueling permit. (Requiring such an application is common to airports across the country.) While the County will explore setting timeframes for responses, and will work to approve applications quickly, we cannot allow fueling applications to be granted by default, in part given the safety implications of such activities.</p>
415	25	F.I.b-f	RR	Must comply with Florida motor vehicle laws - ¶Unnecessary – covered by existing law or ordinance.¶	Smith	As with several other provisions of the draft Rules and Regulations, we have included this paragraph to provide a ready mechanism for the County to take administrative action against those who prove disruptive or dangerous to Airport operations.
416	26	F.II.a	RR	Written authorization and fee for ground transportation - ¶Is it the desire of the County Commissioners to prohibit the use of Uber and Lyft at DTS and CEW?¶	Smith	Please see our response to comment 18.
417	26	F.II.f	RR	Director may create further regulations - ¶Unlawful delegation of power to Airports Director to amend County ordinance. ¶	Smith	Paragraph F(II)(f) does not permit the Airports Director to amend the Rules and Regulations or any County ordinance. The paragraph authorizes the Airports Director to establish procedures for Commercial Ground Transportation operations at the Airport so long as they are "not inconsistent with these Rules and Regulations or Minimum Standards. This is a routine delegation of administrative authority to address a potential specific issue, in this case regarding commercial ground transportation.
418	27	F.III.a-e	RR	Parking - ¶Unnecessary – covered by existing law or ordinance.¶	Smith	We are not certain which laws or ordinances the commenter is referring to, but we consider it appropriate to include provisions in the Rules and Regulations that govern vehicle parking and loading and specify where on the Airport parking areas may be designated.

419	27	F.IV.a	RR	Definition of AOA is ambiguous. Any person that holds an airman certificate or A&P certificate or any person under such direction should be allowed to operate a vehicle on ramps and parking areas at DTS and CEW in addition to others that have received training. It is common practice at general aviation airports throughout the country to drive onto ramps to load/unload baggage onto aircraft and for service or maintenance.¶	Smith	The definition of the AOA is sufficiently precise and it is sound practice to require anyone driving on the AOA to have completed the appropriate training.
420	27	F.IV.b-d	RR	Vehicle operation -¶Adding additional RR that are unnecessary and covered by existing law or ordinance add to the length of the new ordinance and make it more difficult to discern what is important.¶	Smith	We have removed these paragraphs.
421	27	F.IV.j	RR	“No vehicle may pass between a parked aircraft and an adjacent Airport building . . .”¶Arbitrary and ambiguous. This could apply to any location on the airport.¶	Smith	We have removed this paragraph.
422	30	G.I.e	RR	Type, placement, size and color are irrelevant if compliant with NFPA 1.¶	Smith	We have removed Section G entirely.
423	33	H.II.a-h	RR	AOA -¶Arbitrary and ambiguous. AOA may be accessed by landing aircraft at airport. Owners of aircraft should have access to AOA at DTS and CEW. Do the County Commissioners expect Jerry Jones’ pilots to be escorted to his Gulfstream V or other visiting pilots to have to obtain badges to walk unescorted to their aircraft. It would be impossible to enforce this rule indiscriminately. It is common to allow pilots and guest to walk on ramps at general aviation airports. Who does the department expect to provide escorts? This would be a change to the FBO minimum standards if they are required to provide this service.¶	Smith	We have removed Section H entirely.
424	34	H.III.a-e	RR	Tampering - ¶Unnecessary – covered by existing law or ordinance.¶	Smith	We have removed Section H entirely.
425	34	J.I.a,b-e	RR	Enforcement - ¶Unnecessary – covered by existing law or ordinance. DTS and CEW are not currently exempted from the jurisdiction of County and State police nor is there any case where they could be exempted, including where the director desires to provide those services.¶	Smith	We disagree that these provisions are unnecessary. With respect to the administrative enforcement authority of the County, please see our response to comment 22. With respect to the enforcement authority of the Sheriff’s Office, we note that this paragraph now designated G(I)(c) derives from the existing Rules and Regulations (see County Code section 3-84). Furthermore, specifying the Sheriff’s enforcement authority provides clarity to Airport users regarding the Sheriff’s role and powers on the Airport.

426	35	J.I.d	RR	Enforcement - ¶Changes rights under existing leases?¶	Smith	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.
427	35	J.II.a	RR	Penalties -¶Violation of any of these rules and regulations contained in this ordinance is a criminal violation! For Example, if Jerry Jones’ pilots walk to his Gulfstream V aircraft unescorted, they have committed a misdemeanor and subject to a fine of \$500 and/or 60 days in jail.¶	Smith	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. We have removed the provision, previously paragraph H(II)(a), requiring that otherwise unauthorized persons be escorted throughout the Airport Operations Area.
428	36	J.III.a.3	RR	Administrative Review -¶Arbitrary and ambiguous. Violation of AIP grant assurances for federally funded airport to be available to the public.¶	Smith	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.
429	36	J.III.b.1	RR	Administrative Review -¶Unreasonable deadline. An administrative decision should be subject to review at any time. By this standard a person the director has determined to be in violation is excluded in perpetuity.¶	Smith	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.
430	36	J.III.b.3	RR	Administrative Review -¶Unreasonable deadline. Review should be by a board whose members are knowledgeable with FAA regulations and AIP grant assurances and the current version of the FAA Airport Compliance Manual (5190.6b). ¶	Smith	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.
431	36	J.III.b.4	RR	Administrative Review -¶Final decisions by the County may be appealed to the First DCA.¶	Smith	This paragraph has been deleted.
432	37	K.h	RR	Definitions -¶AOA definition is ambiguous. “. . . any adjacent areas that are not separated by adequate security systems, measures or procedures.” ALP and ASP should be attached to RR.¶	Smith	We believe the definition of the AOA is sufficient.
433	4	II.B.1	MS	“The minimum Standards shall be effective upon enactment and shall apply to (i) any new Agreement to conduct a Commercial Aeronautical Activity on the Airport and (ii) any existing Agreement . . .” - ¶¶All similarly situated aeronautical providers must be treated equally per the AIP grant assurances. Changes rights of existing tenants under existing leases.¶¶“Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and to do so without unjustly discriminating among users.” (FAA 5190.6B Change 2, 9.1.a)¶	Smith	Please see our response to comment 434.

434	4	II.B 2	MS	“ . . . Commercial Aeronautical Operators shall be required to conform to such amended standards . . .”¶¶Changes the rights of existing tenant under existing leases.¶	Smith	That section makes clear that an operator need comply with future amendments to the Minimum Standards "...to the extent permitted under the then-effective Agreement." That is intended to preserve rights under existing leases.
435	¶5	II.C.2	MS	MS shall apply to the County. ¶¶Why would the County want to put restrictions on itself? The airport Sponsor holds a “Proprietary Exclusive Right” to conduct aeronautical services at an airport where it desires or deems necessary. (FAA 5190.6B Change 2, 8.9.a)¶	Smith	FAA guidance requires that when an airport sponsor provides commercial services, it must hold itself to the same standards as other similarly situated commercial operators. Further, the County has not invoked its proprietary exclusive right and does not provide any commercial services at the Airports, Holding the County to the same standards it applies to private Commercial Aeronautical Operators promotes a level playing field for all Commercial Aeronautical Operators.
436	5	II.D.1.a	MS	“A flight instructor occasionally accessing the Airport for limited purpose . . .” at discretion of Airports Director. – ¶¶Neither the County nor the Airports Director may restrict who may use the airport per AIP grant assurances.¶¶“Use of Minimum Standards to Protect an Exclusive Right. When the sponsor implements minimum standards for the purpose of protecting an exclusive right, the FAA may find the sponsor in violation of the exclusive rights prohibition. Evidence of intent to grant an exclusive right might be, for example, the adoption of a standard that only one particular operator can reasonably or practically meet.” (FAA 5190.B Change 2, 10.3)¶¶	Smith	The County does not see how paragraph II(D)(1)(a) provides or implies an exclusive right to any operator. The paragraph merely exempts flight instructors making infrequent use of the Airport from the Minimum Standards, thus allowing those operations. Further, if a flight instructor is deemed to be making such regular use of the Airports that he should be considered based, he can obtain an operating agreement to continue to operate on the same terms as other based flight instructors.
437	5	II.D.1.b	MS	“An aircraft manufacturer providing . . . ‘rapid response’ . . .” – Should apply to any supplier or service provider that contracts directly with the aircraft operator.¶¶Ex: If a C130, operated by a private corporation, were to become disabled at DTS or CEW and the on field FBO did not have qualified personnel or parts available, the aircraft operator should be able to bring in outside maintenance without making application to the County.¶	Smith	We have revised paragraph II(D)(1)(b) to incorporate other service and parts providers operating rapid-response programs.

438	6	II.E.1	MS	<p>“[T]hese Minimum Standards expressly forbid all “Through-the-Fence Operations.” – Several Defense Contractors currently operate “through-the-fence’ at CEW. Is it the Counties desire to close down these operations?”</p> <p>-----PUBLIC RECORDS REQUEST----</p> <p>Please provide copies of any existing through-the-fence agreements.</p>	Smith	<p>The County is aware that there are through-the-fence operators at CEW, which have been reviewed by the FAA and approved by the County. The FAA generally discourages through-the-fence operations, and prohibits residential through-the-fence operations. This provision allows through-the-fence operations if approved by the FAA and the County.</p> <p>The County has provided the commenter the public records he requested in this comment.</p>
439	6	II.F.1.a-c	MS	<p>Waivers – Any changes in the MS (waivers) must be equally applicable to all similarly situated aeronautical providers. – Arbitrary – Would require approval by the County Commission of new MS.</p>	Smith	Please see our response to comment 510.
440	6	II.F.2	MS	<p>Variations - Any changes in the MS (variances) must be equally applicable to all similarly situated aeronautical providers. – Arbitrary – Would require approval by the County Commission of new MS.</p>	Smith	Please see our response to comment 510.
441	7	II.G	MS	<p>Accommodations – Arbitrary - Any changes in the MS (accommodations) must be equally applicable to all similarly situated aeronautical providers. –Would require approval by the County Commission of new MS.</p>	Smith	Please see our response to comment 510.
442	9	III.A-D	MS	<p>Applications – Airport Sponsors may not place additional requirements on new applicants beyond those that were required of the existing aeronautical providers.</p> <p>“Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and to do so without unjustly discriminating among users.” (FAA 5190.6B Change 2, 9.1.a)</p>	Smith	<p>Please see our response to comment 439. The FAA has made clear that an airport sponsor may reasonably require new tenants to meet reasonable requirements that were not imposed in previously executed leases or agreements. Furthermore, a sponsor may reasonably distinguish between otherwise similar Commercial Aeronautical Operators based on matters such as when the providers entered into agreements with the sponsor and the level of investment each provider offered. As the FAA has held, "The prohibition of unjust economic discrimination does not prevent a sponsor from accepting differing lease rates resulting from differing time frames of lease terms. A sponsor does not have an obligation to equalize the terms of use, but can pursue agreements with the more recent leaseholders that more nearly serve the interests of the public and provide for more professional business practices." <i>Wilson Air Center, LLC v. Shelby County Airport Authority</i>, FAA Docket No. 16-99-10, Final Agency Decision (Aug. 30, 2001).</p>

443	45181	III.A-D	MS	Applications - Unreasonable – Excessive regulation¶¶County policy should be to encourage and assist commercial applicants to do business at County airports.¶¶Treating prospective applicants different than existing providers is a violation of the AIP grant assurances.¶¶“Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and to do so without unjustly discriminating among users.” (FAA 5190.6B Change 2, 9.1.a)¶¶	Smith	With respect to treating new applicants differently from existing Commercial Aeronautical Operators, please see our response to comment 442. Separately, the County believes these application requirements are appropriate to ensure high-quality services for Airport users. The County does encourage, and is happy to assist, Commercial Aeronautical Operators to do business at the Airports.
444	13	IV.2	MS	Review of Application – Safety and Efficiency¶¶Any denials based on Safety or Efficiency must be made by the FAA¶¶	Smith	We do not agree. The County, as Airports sponsor, has some authority to ensure the safety and efficiency of the Airports and the operators thereon. The County further has an obligation to assure that the Airports are operated in a safe manner and to prevent activities that pose an undue safety risk, subject to FAA oversight.
445	13	IV.3	MS	Review of Application - County Expenditure¶¶The Airport Director must comply with the requirements of federal law and federal grant assurances regardless of cost to the County.¶¶	Smith	The County fully intends to comply with all applicable federal law and grant obligations with respect to operation of the Airports. These laws and obligations do not require the County to spend unlimited sums of Airport revenue or taxpayer money to facilitate a prospective Commercial Aeronautical Operator.
446	13	IV.4	MS	Review of Application - Availability¶¶The airport sponsor may not allow an exclusive right based on lack of available space.¶¶Per federal law the Sponsor is required to provide space on the airport, if necessary to prevent an exclusive right, even if that would require taking space from an existing tenant.¶¶The only exception is when the existing tenant is grandfathered under a lease that was existing as of September 3, 1982. See 49 USC 40103.¶¶¶----- PUBLIC RECORDS REQUEST-----¶¶Please provide copies of any leases with current tenants that existed on September 3, 1982.¶¶	Smith	The County does not have an obligation to provide space to a prospective aeronautical user if there is no space available because all space is leased to existing aeronautical providers. FAA Order 5190.6B ¶8.9(d). Moreover, the condition in Section IV(4) that the County consider whether there is available space does not preclude potential users, but merely provides a check that there is physical space for the proposed activity. The County has provided the commenter the public records he requested in this comment.

447	13	IV.8	MS	<p>Review of Application – Lack of Authorization¶¶Unreasonable requirement to make application. Applicant should not have to go through the hiring process to submit an application.</p> <p>¶¶Discriminatory – was not required of existing providers.¶¶Arbitrary – The relevant requirement is that the applicant obtain any required federal, state or local authorization not that the applicant can satisfy the County that the applicant will obtain authorization.¶</p>	Smith	<p>It is not clear what the commenter means when writing that an "Applicant should not have to go through the hiring process to submit an application." The County feels that it is very reasonable to require an applicant to demonstrate either that it holds the authorization(s) necessary to provide a service or that it can achieve such authorizations.</p> <p>With respect to the commenter's concerns regarding discrimination, please see our response to comment 439.</p> <p>As stated above, the County does not consider this requirement arbitrary. By allowing an applicant to satisfy the County that it will obtain all required authorizations to establish its proposed Commercial Aeronautical Activity, the County avoids a chicken-and-egg problem by allowing County approval conditioned on assurance of obtaining necessary authorization from other government entities.</p>
448	14	IV.11	MS	<p>Review of Application – Lack of Finances¶¶Discriminatory - was not required of existing providers.¶</p>	Smith	<p>Please see our response to comments 439 and 442.</p>
449	14	IV.12	MS	<p>Review of Application – Undue Risk - Prohibiting applicant that has been convicted of a crime.¶¶Arbitrary – The County has previously allowed a convicted felon to operate both FBOs at DTS.¶</p>	Smith	<p>Please see our response to comments 439 and 442. Furthermore, paragraph IV(12) provides for denial of an application by a party that "has been convicted of any crime or violation of any ordinance of such nature that it indicates to the County that the Applicant would create an undue safety, security, financial, and/or compliance risk to the County or the Airport."</p>
450	16	IV.B.2	MS	<p>“The County reserves the right to modify Appendix D, including the amount or type of Airport Use Fee to be paid, at any time and for any reason.” [emphasis added]¶¶Referenced “Appendix D” not included in draft¶¶Arbitrary - Changes terms of existing leases. ¶</p>	Smith	<p>Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.</p> <p>We have revised references to "Appendix D" to "Appendix C."</p>
451	17	IV.D.1.a	MS	<p>“Commercial Aeronautical Operators are to comply with the Airport Security Program (if any)” – ¶¶Ambiguous – ASP per definitions page 2 specifically reference 49 CFR 1542. 49 CFR 1542 is not applicable to all “commercial aeronautical operators.”¶</p>	Smith	<p>There is an ASP for both CEW and DTS, which the County is required to prepare in order for the Airports to be licensed by the Florida Department of Transportation. However, those documents are protected Sensitive Security Information. Therefore, we have revised this provision to require compliance with directives issued by those officials who are authorized to enforce the ASP, rather than requiring compliance with the ASP itself. We would expect Airport users to respect the need to maintain security.</p>

452	19	V.6	MS	Standard requirements - “Operator is responsible for the removal of snow and ice . . .” [emphasis added]¶	Smith	Although the County has seen ice accumulation at one or more Airports before, we have deleted this provision. The County expects that tenants will act responsibly to remove any ice or snow that may accumulate.
453	24	VI.A	MS	MS for FBOs - “The FBO shall provide escorts . . .”¶¶Changes terms of existing leases. Will require additional employees to provide adequate service. May cause delays during busy times.¶	Smith	We have removed this provision.
454	24	VI.B.1-3	MS	“The FBO shall lease from the County a minimum of one hundred thousand (100,000) square feet . . .”¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective FBO, where only one FBO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶“Use of Minimum Standards to Protect an Exclusive Right. When the sponsor implements minimum standards for the purpose of protecting an exclusive right, the FAA may find the sponsor in violation of the exclusive rights prohibition. Evidence of intent to grant an exclusive right might be, for example, the adoption of a standard that only one particular operator can reasonably or practically meet.” (FAA 5190.B Change 2, 10.3)¶	Smith	See response to Comment 446 above. We do not believe that the proposed minimum standards create an exclusive right, and are not intended to do so. Further, we have reduced the square footage requirement to 69,500 square feet to better reflect the space needed for a full-service FBO.

455	24	VI.D.2-6	MS	<p>MS for FBOs- Required Services¶¶The County has historically failed to ensure that the required services are available as required under the current Minimum Standards.¶¶In spite of any “audit” conducted by the County. There are documented instances where the onsite FBO refused to conduct maintenance or annual inspections, suggesting the aircraft be taken to an aircraft maintenance facility at the DeFuniak Springs airport. There are documented instances where the onsite FBO did not have tools available that are necessary to work on general aviation aircraft.¶¶The County has allowed the FBOs to use third parties to conduct services required by the minimum standard such that the FBOs have not had to make monetary investments into those services and are not able to provide operational control over those activities.¶¶At one point a single maintenance provider was allowed, by the County, to meet the requirement of two FBOs.¶¶-- ---PUBLIC RECORDS REQUEST---¶¶Please provide all written approvals that have been given to the current FBOs to utilize a third-party contractor or subcontractor to fulfill the requirements of the existing Minimum Standards.¶</p>	Smith	<p>Allowing an FBO to sub-contract out certain services provides the FBO the flexibility to provide specialized services in the best and most efficient manner. We do not think it is the County's role to tell the FBO the best way to provide its services. If there are specific concerns with the quality of service being provided by a sub-contractor, please bring that issue to the attention of the FBO or Airport staff.</p>
456	26	VI.D.5	MS	<p>Air Taxi/Charter Service – Due to the availability and access to online charter services, the County should consider removing this requirement.¶¶Note: The FBO at DTS has not been required by the County to provide an aircraft available for charter that is owned or leased or under the control of the FBO for at least the last 20 years. (The last was the Piper Navaho on a Part 135 certificate owned by Miracle Strip Aviation) It is unknown if FBO at CEW has operational control of a Part 135 aircraft for charter.¶¶-----PUBLIC RECORDS REQUEST-----¶¶Please provide a list of all Part 135 aircraft charter operators that have been authorized to fulfill the requirements of the existing Minimum Standards for FBOs.¶</p>	Smith	<p>Both FBOs have a charter certificate and provide directly or through subcontract charter services. We have revised paragraphs VI(D)(4) and VI(D)(5) to not require an FBO to provide these services.</p> <p>The County identified no records responsive to this public records request.</p>

457	28	VII.A.1	MS	SASO – Building requirement - Unreasonable standard as not all SASOs require building space.¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective SASO, where only one SASO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶The County should allow but not require a SASO to either lease or share space under an agreement with an existing tenant.¶	Smith	Please see our response to comment 454, which addresses a similar concern with respect to FBOs. Further, the proposed Minimum Standards allow for Itinerant Maintenance Providers to allow certain non-based operators to provides services on the Airport without leasing space.
458	29	VII.B.2	MS	Aircraft Rental - Requirement to lease 200 sf of office space for aircraft rental is an unreasonable requirement which may result in rental aircraft not being available to Okaloosa County residents.¶¶With the advent of technology, it is possible to rent a vacation rental, cars, golf carts and boats online. It serves no purpose to require office space to rent an aircraft.¶	Smith	We have revised this to require only "sufficient" office space, recognizing that not all operators will need any office space.
459	29	VII.B.2	MS	Aircraft Rental - Requirement to lease paved area or hangar space . . . to accommodate two (2) aircraft.¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective SASO, where only one SASO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶The County should allow but not require a SASO to either lease or share space under an agreement with an existing tenant.¶	Smith	We have revised this to require space for only one aircraft.
460	29	VII.B.2	MS	Aircraft Rental - Requirement to have more than one aircraft available for rent serves no purpose where there is no requirement or assurance that another aircraft rental company exist on the airport.¶¶The requirement that any SASO intending to offer aircraft for rent, must have at least two aircraft is an unreasonable requirement which may result in rental aircraft not being available to Okaloosa County residents.¶¶Note: FBOs are not required to provide rental aircraft per the proposed MS¶	Smith	We have changed this provision to require that only one aircraft must be available.
461	29	VII.B.3.b	MS	Aircraft Rental - Requirement to have one four place retractable-gear aircraft available for rental is outdated and unreasonable.¶¶There are not enough qualified pilots to make the requirement to rent retractable-gear aircraft economically feasible.¶¶This requirement will only result in fixed gear rental aircraft not being available to Okaloosa County residents.¶	Smith	We have removed this requirement.

462	29	VII.B.3.c	MS	Aircraft Rental - Requirement to provide “adequate facilities for servicing and repairing such aircraft” is unreasonable as the FBOs are required to provide this service to all airport users and the FBOs may not refuse to provide this service to any SASO.¶	Smith	We believe it is necessary and appropriate that an aircraft rental operation have sufficient space to maintain its aircraft to assure aircraft are reasonably available to the public.
463	30	VII.C	MS	Aircraft Sales - Requirement to lease 200 sf of office space and a paved area or hangar space for two aircraft for aircraft sales is an unreasonable requirement which may result in aircraft dealers not locating in Okaloosa County.¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective SASO, where only one SASO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶The County should allow but not require a SASO to either lease or share space under an agreement with an existing tenant.¶	Smith	We have revised this to require only "sufficient" office space, recognizing that not all operators will need any office space.
464	31	VII.D	MS	Avionics Sales and Servicing - Requirement to lease 200 sf of office space and hangar space. ¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective SASO, where only one SASO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶The County should allow but not require a SASO to either lease or share space under an agreement with an existing tenant.¶	Smith	We have revised this to require only "sufficient" office space, recognizing that not all operators will need any office space.
465	31	VII.E.1	MS	Air Charter and Taxi Service - “At all times when open for business, the Commercial Aeronautical Operator shall employ and have on duty personnel . . . Such personnel shall include . . . an FAA-certified commercial pilot . . .”¶¶As this paragraph is written, it literally requires a commercial pilot to be on duty when open. Requirement is unreasonable due to Part 135 duty hour requirements and economic requirement.¶	Smith	We have revised this provision to require only that appropriate personnel either be on duty or be reasonably available.

466	31	VII.E.2	MS	Air Charter and Taxi Service - Requirement to lease 200 sf of office space and hangar space.¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective SASO, where only one SASO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶The County should allow but not require a SASO to either lease or share space under an agreement with an existing tenant.¶	Smith	We have revised this to require only "sufficient" office space, recognizing that not all operators will need any office space.
467	32	VII.E.3.a	MS	Air Charter and Taxi Service – “At least one (1) such aircraft shall be multi-engine . . .”¶¶The requirement to have at least one multi-engine aircraft available for charter/air taxi is outdated and unreasonable.¶¶The requirement that any SASO intending to offer Air Charter and Taxi Service, must have at least one multi-engine aircraft is an unreasonable requirement which may result in Air Charter and Taxi Service not being available to Okaloosa County residents.¶¶At times the County has allowed charter/air taxi operators to operate Cessna Caravans which are single engine aircraft.¶	Smith	We have removed the requirement to provide a multi-engine aircraft.
468	33	VII.F.3.a	MS	Air Tours – “At least one (1) such aircraft shall be multi-engine . . .”¶¶The requirement to have at least one multi-engine aircraft available for air tours is outdated and unreasonable and could be construed as an attempt to discriminate against a certain type of air tour operator, a violation of the AIP grant assurances.¶¶Aircraft that the FAA have authorized to conduct air tours cannot be deemed unsafe by the County.¶¶The FAA is the final authority as to determining requirements based on safety.¶	Smith	We have removed the requirement to provide a multi-engine aircraft. We do not believe that section VII(F)(3) attempts to regulate air-tour safety; it merely requires compliance with the federal requirements.
469	36	VII.J.1	MS	Flight Training – Ambiguous – Flight instructors are certified per Part 61 not Part 141¶¶Requirements for flight instruction and flight instructor licensure are preempted to the federal government.¶¶Ambiguous - Refers to 14 CFR Part 141 but does not require flight training to be provide per Part 141.¶¶Ambiguous - Does not provide for flight training per Part 61.¶	Smith	We have revised this language to require only the appropriate level of certification for the type of instruction being offered.

470	36	VII.J	MS	<p>Flight Training – Space requirements¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective SASO, where only one SASO currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶¶The County should allow but not require a SASO to either lease or share space under an agreement with an existing tenant.¶¶</p>	Smith	<p>This provision allows a flight training operator to construct, lease, or sub-lease space from which to operate. Provided that the arrangement is properly documented, a "shared space" arrangement could comply with this requirement. Setting reasonable minimum standards does not create an exclusive right and we believe this provision provides sufficient flexibility to allow competition.</p>
471	37	VII.J	MS	<p>Flight Training – FBOs are required to provide flight training. Atlantic Aviation at DTS does not provide flight instruction directly. The County currently allows the FBO at DTS to use a third-party flight school to meet the minimum standard requirement and this practice has been allowed for at least the last 10 years. The third-party flight school primarily uses independent contractors for flight instructors.¶¶It is imperative that flight training be available to Okaloosa County residents.¶¶Both Part 141 and Part 61 flight training should be available to Okaloosa County residents.¶¶Because the FBOs primary business is to sell fuel and because the FBOs have the advantage of being the incumbent provider the FBOs have a natural advantage to obtaining flight students. This advantage should be enough to allow the FBOs to be successful if the services they provide are up to the expectations of the public.¶¶County policy should be to allow an alternative choice for flight instruction and to ensure that a monopolistic situation does not exist, even if an “exclusive right” has not been granted as defined in the federal grant assurances.¶¶In the interest of freedom of a student pilot to choose an instructor of his/her choice, provision should be made for itinerant flight instructors.¶¶</p>	Smith	<p>See our response to Comment 455 above regarding sub-contracting by the FBO. Further, we have removed the requirement that an FBO provide flight training. If you have specific concerns with the quality of service provided by the FBO or its sub-contractor, please address those concerns to the FBO or County Airports staff.</p>

472	37	VII.J	MS	<p>Flight Training- ¶¶ Airport tenants should be able engage any flight instructor they choose in their own aircraft. ¶¶ Technically, any training above a student pilot begins, at the earliest, when the aircraft crosses onto the runway; therefore, the instructor is just a passenger up to the point of takeoff. The County does not have any authority at that point. ¶¶ In the case of an instructor using the facilities of the FBO, they should be treated the same as any other customer that pays the appropriate usage fee or purchases the minimum fuel required for access to the facilities. They are a business, no different from a Part 135 charter operation that provides business to the FBO. ¶</p>	Smith	<p>Please see our response to comment 566. The Minimum Standards do exempt flight instructors who do not use the Airport as, essentially, a base of their training operations. Otherwise, flight instructors must comply with the Minimum Standards, like other Airport-based Commercial Aeronautical Operators.</p>
473	37	VII.J	MS	<p>County Liability ¶¶ Concerns over the Counties Liability for aeronautical activities/services/operations has been repeatedly mentioned in the minutes of the Okaloosa County Aviation Board meetings. ¶¶ As stated by the Counties own attorney in the Aviation Board minutes, the County does not have liability for the operations of an FAA certificated operator. (When questioned as to the Counties liability from the Timberview Helicopter Tours, Mr Pilsk responded: “Not directly, the county should not have any liability.” ¶¶ Before the Commission makes any determination based on concerns of County liability for the actions of FAA certificated operators, the County should obtain a legal opinion as to what circumstances the County may have liability to include where sovereign immunity may or may not exist and statutory caps on liability if any where liability may exist and to what extent the County is insured against any potential risk. ¶¶ Any decision by the Commission to limit the rights, choices, opportunities or freedoms of Okaloosa County residents should be weighed against actual risk to the County. ¶</p>	Smith	<p>Insurance requirements protect not only the County, but the public by assuring some level of financial capability to pay damages in the event of an accident or other incident. Accordingly, minimum standards almost always include minimum insurance requirements. Further, the discussion regarding the County's potential liability for air tours related to a potential crash by a helicopter, and counsel was careful to discuss only "direct" liability. A possible crash off-airport does not cover the full range of potential exposure by the County for the conduct of aeronautical users on the Airport. Because it is all but impossible to predict what incident may give rise to future claims and what theory of liability a future plaintiff may pursue, minimum standards almost always require that the insurance name the airport sponsor as an additional insured.</p>

474	37	VII.K	MS	<p>Hangar Keeper – 10,000 sf of hangar space and 200 sf of office space required.¶¶Arbitrary – There is no potential benefit to the County for arbitrary square footage requirements. Such requirement may in fact prevent development at the airports.¶¶Unless the County/Sponsor has the ability and is willing to make the minimum square footages available to a prospective Hangar Keeper, where only one Hangar Keeper currently exist, the County/Sponsor has created an “exclusive right” in violation of federal law and the AIP grant assurances.¶</p>	Smith	<p>We have removed the specific requirement for office space to require only "sufficient" office space to allow the operator flexibility. We believe that the 10,000 square foot minimum is reasonable and appropriate to assure adequate service. See response to Comment 446 regarding exclusive rights concerns.</p>
475	42	VII.O	MS	<p>Itinerant Maintenance Providers – ¶¶The County should allow aircraft operators to choose their own maintenance providers.¶¶The County should not place any restrictions on who a tenant may employ as a maintenance provider that is operating on behalf of a tenant on a tenant’s own aircraft inside a tenant’s leased hangar.¶¶Requirements are arbitrary, giving the County sole discretion to allow.¶¶Qualification of FAA Certificated maintenance providers are preempted to the FAA.¶¶What is the definition of “emergency?” An operator that needs their aircraft to travel or conduct business should not have to wait for the their maintenance provider to enter into an “Agreement with the County.”¶¶Because the FBOs primary business is to sell fuel and because the FBOs have the advantage of being the incumbent provider the FBOs have a natural advantage to provide maintenance. This advantage should be enough to allow the FBOs to be successful if the services they provide are up to the expectations of the public. ¶¶There are situations where the FBO will not be able to provide the service in a timely manner because they do not have employees that are uniquely trained or do not have the necessary equipment or parts.¶¶The County should dictate where certain work may or may not be take place but should not dictate whom may provide that service.¶¶¶</p>	Smith	<p>Please see our response to Comment 165, which addresses much of the substance of this commenter's concerns. For safety, operational, liability, and compliance reasons, the County cannot allow unauthorized maintenance providers to regularly provide commercial service at the Airports. Separately, the County does not seek to regulate the certification of maintenance providers, but rather, in paragraph VII(O)(b), simply requires that Itinerant Maintenance Providers satisfy federal certification standards.</p>
476	43	VII.O.g	MS	<p>“In no event may annual inspections or heavy maintenance be performed in a common-use hangar.”¶¶Define “common-use hangar”¶¶Do any hangars exist that meet that definition at CEW or DTS?</p>	Smith	<p>We have revised paragraph VII(O)(g) to clarify the meaning of "common use hangar."</p>

477	Appendix A	Appx.A	MS	<p>Insurance requirements of \$1M/\$5M for Flight Training are unreasonable.¶¶“These insurance requirements follow generally accepted guidelines for insuring against risk associated with commercial aeronautical activities . . .”¶¶MS must be “reasonable” and “attainable” and relevant to the particular aeronautical activity in question.¶¶-----PUBLIC RECORDS REQUEST-----¶¶Please provide the generally accepted guidelines the Department used to determine the insurance requirements shown in Appendix A.¶¶Please provide any documents the Department used or possess that show the insurance limits that are commonly offered by insurance companies for flight training that is offered separately from an FBO.¶</p>	Smith	<p>The County has conferred with the commenter directly regarding this public records request. With respect to the County's basis for these insurance requirements, the County retained a nationally recognized expert in aviation insurance standards to advise the County on appropriate and attainable insurance requirements for inclusion in the Minimum Standards. Partly in response to public comments, we have since revised, and in several cases reduced, the insurance requirements in Appendix A to the Minimum Standards.</p>
478	Appendix B	Appx.B	MS	<p>The County should not charge an “Application Fee” to someone that desires to do business in the County. ¶¶The County should not charge a fee for “non-commercial aeronautical activity.”¶¶No definition provided for “Non-Commercial Aeronautical Activity”¶</p>	Smith	<p>The County understands the commenter's perspective but believes that it is appropriate to assess a reasonable fee to compensate the County for its time reviewing applications, and to incentivize applicants to prepare applications carefully and file them deliberately.</p> <p>We have added a definition of "Non-Commercial Aeronautical Activity" to the proposed Minimum Standards. That document now defines "Non-Commercial Aeronautical Activity" as "Any Aeronautical Activity not conducted for commercial purposes."</p>
479	Appendix C	Appx.C	MS	<p>“* Commercial Aeronautical Operators not based on the Airport include all Commercial Aeronautical Operators that lease or sublease no space on the Airport.”¶¶To which Commercial Aeronautical Operators would this apply? ¶¶Is it the Counties intention to tax all Part 135 operations into and out of the airport? ¶¶Several Defense Contractors operate thru-the-fence at CEW. Is it the Counties intention to place additional taxes on these contractors that are not based on the airport?¶</p>	Smith	<p>The Rules and Regulations and Minimum Standards do not impose a tax on any user. Fees may apply to specific uses and activities as specified in the documents. Commercial aeronautical users, including through-the-fence operators, who conduct a business effectively based on the Airport require County permission to do so, which has been granted to the through-the-fence operators at CEW. All proposed through-the-fence agreements at the County's Airports are further reviewed by the FAA.</p>

480	NOTE	All	Both	<p>These draft documents do not take into account the history of these airports, the current state of available property, the current FBOs or the availability or lack of thereof of aeronautical services at DTS and CEW in order to ensure compliance with FAA regulations, federal law and the AIP Grant assurances.¶¶Per FAA AC No. 150/5190-7, “Minimum standards should be tailored to the specific aeronautical activity and the airport to which they are to be applied.” Moreover, “The imposition of unreasonable requirements illustrates why “fill-in-the-blank” minimum standards and the blanket adoption of standards of other airports may not be effective.”¶¶The Departments attorney is from Washington DC, and likely not aware of the existing conditions at DTS and CEW. It would be advisable to review the existing conditions at DTS and CEW before proceeding with these proposed Rules and Minimum Standards.¶¶Furthermore, I hope that the Okaloosa County Aviation Board and the Okaloosa County Commission will consider that just because the Departments attorney may provide an opinion that a particular Rule or Minimum Standard is permissible, does not mean that it is necessary or proper in Okaloosa County.¶¶Those of us that hold FAA Certificates take safety and security and compliance with the regulations seriously, but we also hold our freedoms paramount.¶¶Rules that may seem quintessential in Washington DC, may be viewed as a “Dr Fauci approach,” in Okaloosa County, Florida.¶¶</p>	Smith	<p>The County disagrees that the proposed Rules and Regulations and Minimum Standards do not take into account the history or current state of, or services provided at, either DTS or CEW. The County has prepared these draft policies to reflect the needs and nature of the Airports, and we have encouraged public comment, both through these written comments and at several public meetings, largely to identify ways to make these proposed Rules and Regulations and Minimum Standards better. These draft policies are the product of many hours of drafting, consultation, and review by Airports staff, other County officials, and experts whom the County has retained to advise on legal and insurance matters.</p> <p>The County's Airports leadership, not the County's specialist aviation counsel, has directed the process of preparing these draft Rules and Regulations and Minimum Standards and has tailored them to the County's and the Airports' needs. The County has worked closely with its specialist aviation counsel to ensure that these proposed policies meet federal requirements, including with respect to the County's own binding federal grant assurances, but the County, not aviation counsel, is leading this process.</p>
481		All	Both	<p>-----PUBLIC RECORDS REQUEST-----¶¶Provide any records and/or spreadsheets that show the Airport Use Fees collected, by the County, at DTS and CEW from aeronautical service providers from January 2019 to Present, to include from whom they were collected and what service or product was provided.¶¶</p>	Smith	<p>The County has conferred with the commenter directly regarding this public records request and the County has provided this information..</p>
482		All	Both	<p>-----PUBLIC RECORDS REQUEST-----¶¶Provide any documents or communications that demonstrate a request or need for any and/or all of the proposed new Rules and Regulation and Minimum Standards.¶¶</p>	Smith	<p>The County has conferred with the commenter directly regarding this public records request.</p>

483		All	Both	-----PUBLIC RECORDS REQUEST-----¶Provide any documents used in preparing the draft Rules and Regulations and Minimum Standards including the initial draft.¶	Smith	The County has conferred with the commenter directly regarding this public records request and provided the information.
484		All	Both	-----PUBLIC RECORDS REQUEST-----¶Provide any documents or communications between the County and any other person or entity regarding revising or drafting the new Rules and Regulations and Minimum Standards from January 2020 through November 1, 2022.¶	Smith	The County has conferred with the commenter directly regarding this public records request.
485		All	Both	-----PUBLIC RECORDS REQUEST-----¶Provide any documents or communication between the Okaloosa County Airports Director and County Staff that relate to revising or drafting the new Rules and Regulations and Minimum Standards from January 2020 through Present.¶	Smith	The County has conferred with the commenter directly regarding this public records request.
486		All	Both	-----PUBLIC RECORDS REQUEST-----¶Provide any documents or communications between the County and the FAA from January 2020 to Present.¶	Smith	The County has conferred with the commenter directly regarding this public records request.
487		All	Both	-----PUBLIC RECORDS REQUEST-----¶Whereas: The Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge. ¶¶Provide any documents or communications between the County and Eric Pilsk from January 2021 to Present that do not relate to pending litigation to which the County is presently a party before a court or administrative agency.	Smith	The County has conferred with the commenter directly regarding this public records request.
488	2	A.IV.a	RR	If users of the airport are being held to rules and regulations, they should be available at all times to the public. It is recommended the County post these on the airport's website once they are complete.	Heaton	Please see our response to comment 92. The County will post the final Rules and Regulations and Minimum Standards on the Airports websites.
489	4	B.I.d	RR	States: The County reserves the right to review or approve the fees charged by persons providing products or services to the public at the Airport. Comment: Provide the standard to which you will review or approve fees charged.	Heaton	Please see our response to comment 7.
490	5	C.I.f	RR	Subject: Abandoned property. Comment: Abandoned aircraft should cross checked with the State of Florida's law of the same subject.	Heaton	We have revised paragraph C(I)(f) to align with, and cite to, the applicable sections of the Florida Statutes.

491	5	C.I.j	RR	Subject: Sound amplification. Comment: Typically, this is dealing with public address systems, bullhorns, and the like; but it presently reads very broad. Recommend airport better define the objective and rewrite the item.	Heaton	We have removed this paragraph in response to commenters' concerns.
492	10	C.XI.b	RR	It is recommended that you included a minimum amount of advance notice for users.	Heaton	We have now proposed requiring 48 hours notice for standard hangar inspections under the newly redesignated paragraph C(IX)(b).
493	11	D.I.b	RR	States: “..the aircraft operator shall produce an operator’s license, an airman certificate, a medical certificate and photo identification.” Comment: While this may be a good idea for pilots to carry all these documents you are stating, it is not required by the FAA. Sport pilot and Basic Med doesn’t require a pilot to carry a medical certificate. An operating pilot must only produce the documents in a reasonable amount of time. This paragraph needs to be modified. https://www.faa.gov/sites/faa.gov/files/licenses_certificates/airmen_certification/basic_med/basicmed_faq.pdf (Q21 and Q22).	Heaton	Please see our response to comment 159.
494	11	D.I.c	RR	Reminder, an airport sponsor has no authority over aircraft in flight operations. Consider clarifying.	Heaton	Please see our response to comment 159.
495	11	D.II.d	RR	States: d. Aircraft shall be parked only as directed, and only in those areas designated for such purpose, by an FBO. Comment: This language implies that any parking only be only in areas controlled by the FBO. Is that accurate? Are there no other areas outside of the FBO control? Near hangars? Near fueling? Clarification is necessary.	Heaton	We have removed this paragraph.
496	13	D.III.c	RR	a. Comment: Where is the definition of permitted maintenance? b. Comment: Where are the cleaning areas? c. Comment: This is overly burdensome for an aircraft owner.	Heaton	We have removed the section formerly designated D(III).
497	14	D.V	RR	This is the first time in the document that refers to an application. Please provide guidance for users on the application, its process for obtaining one, the process for review, the process for appealing a denial.	Heaton	We have removed the section formerly designated D(V).

498	14	D.VI	RR	c. and associated pg 24 Section E IX e.: Comment: Requiring the referenced ‘Training’ is overly burdensome for an aircraft owner who will be bringing in small amounts of fuel (normally associated with mogas or aircraft that have an appropriate STC). Recommend you develop a separate section relating to small-fueler self-fuelers users with reasonable requirements.	Heaton	We have removed the paragraph formerly designated D(VI)(b), which addressed training.
499	23	E.VIII.b	RR	States: No entity, other than the County, shall provide Commercial Self-Service Fueling without also providing attended commercial fueling at the Airport. Comment: If the county is electing to use their propriety exclusive right for this type of commercial operation, the airport should clearly state such. Also, this is greatly needed at DTS so we applaud the airport for recognition of this need.	Heaton	We have removed that provision.
500	25	F.I	RR	Ground Vehicles Generally (and subsequent sections relating to vehicles) Comment: recommend the rules and regs allow for floatplane launches from a trailer in the movement area. Florida is home to many floatplanes. https://www.aopa.org/news-and-media/all-news/2014/april/24/floatplane-trailer-takeoff	Heaton	The County does not see the need to expressly authorize that procedure.
501	27	F.III	RR	Perhaps reword title of section to “Ground Vehicle Parking outside the AOA”	Heaton	We consider section F(III) to apply to ground vehicle parking generally, both within and outside the AOA. Section F(IV) is specific to ground vehicles within the AOA.
502	30	G.I.i	RR	States: Drip pans shall be placed under engines of stored aircraft and shall be maintained so as to prevent accumulation of liquid in the pans. Comment: Requiring a drip pan can be considered overly burdensome. What is your definition of a stored aircraft? Any airplane in a hangar or tie down is considered in storage. A pan at a tie down area would not be able to safely meet this requirement (rain collection, FOD potential, etc.). If you require these, the airport director should provide to the tenants and in a safe manner to use in all areas as defined.	Heaton	We have removed Section G entirely.
503	31	G.II.h	RR	States: All persons shall fully comply with the Airport’s Storm Water Pollution Prevention Plan and National Pollutant Discharge Elimination System (“NPDES”) Permit. Comment: Indicate how a tenant can obtain a copy of the permit requirements. Recommend you post to airports website.	Heaton	We have removed Section G entirely.

504	31	G.II.i	RR	States: No person may deposit or leave rubbish, junk, debris, old aircraft and vehicles, or unsightly objects on their lease premises or the Airport. If after warning by the Airports Director the area is not cleaned, cleaning will be authorized by the Airports Department and all costs shall be billed to the tenant or person Comment: define “old aircraft” and define the warning process and response process.	Heaton	We have removed Section G entirely.
505	33	H.II.b-c	RR	Item b. states that a “license, contract, agreement, etc.” are credentials demonstrating authorization to be in the AOA. But c.1. states they must have an escort or a badge. This may be considered conflicting in terms of what is usable to be considered authorization.	Heaton	We have removed Section H entirely.
506	34	J.I.a	RR	The last sentence in paragraph gives pause to potential unfair treatment of one user over another. Recommend you delete.	Heaton	Please see our response to comment 22. We believe our revised approach provides substantial procedural rights to those who have allegedly violated the Rules and Regulations while still permitting the Board of County Commissioners reasonably limited discretion to assess appropriate penalties given the individual circumstances of each violation.
507	35	J.I.d	RR	24 hours is a short timeframe. Recommend longer minimum advance notice. If safety is at issue, that is already covered as you spell out access in an “exigency”. Further recommend that you define what constitutes an exigency (and it should be reasonable).	Heaton	We have removed this paragraph.
508	General	All	RR	Cross-check Abandoned Aircraft definition with FL Statute	Heaton	Please see our response to comment 27. We have revised this definition to align with Florida statute.
509	General	All	RR	Airport Security Program or ASP - While this definition is factual, users of this document may interpret that a general aviation airport is subject to 1542, which they are not. General aviation landing facilities are not required to meet the same security requirements as commercial service airports under Part 1542. Per the Florida law, a GA security plan is required. And, an evaluation of each airport’s specific situations through a risk-based evaluation is the best way to “right-size” security without being overly burdensome. If this hasn’t been assessed accordingly, it should be.	Heaton	Comment noted.

510	6	II.F	MS	Waivers and Variances are a good solution to helping operators provide needed services at your airport. What happens, however, if second commercial operator wishes to provide a product, service, or facility? Will the second operator receive similar treatment? It might be considered unfair that the first operator was given a waiver, but the second operator will not be (and thereby potentially making the start-up of his/her business more difficult than the first operator)? Consider something more in line with a 'start-up' period waiver with the need to fully meet the minimum standards after a certain period of time.	Heaton	While we understand the commenter's concern, the County believes it is important to provide the flexibility to grant waivers or variances to address unforeseen or special circumstances. The County is aware that granting a waiver or variance may be understood to set a precedent for future situations and will take that into account when evaluating requests for a waiver or variance.
511	10	III.B	MS	Last paragraph states that the County will decide who will be notified. Not sure the purpose of this paragraph as paragraph #1 covers procurement requirements and it should be left at that. If you are concerned that current operators won't see the procurement notices, then County should modify how they communicate procurement notices and/or how they communicate with current users on the airport.	Heaton	This provision has been deleted.
512	11	III.C	MS	4., 5., and 6. Should be subset of 3. 9. States: The County shall be the sole judge of what constitutes adequate financial capacity. Comment: This is vague. This can lead to unfair practices. Specify what things will be used in the assessment (i.e., debt capacity, debt to equity ratio, credit ratings, etc.). Or consider deleting the sentence because your "Review of Application" section spells out what reasons an applicant may be denied.	Heaton	We have placed points III(C)(4)-(7) under point III(C)(3), where they are now subpoints III(C)(3)(a)-(d). We have also deleted the sentence, "The County shall be the sole judge of what constitutes adequate financial capacity," given this commenter's observation that section IV more clearly spells out the financial bases for rejecting an application.
513	15	V.A	MS	this section seems repetitive to what is covered in previous sections as it is talking about an applicant (as opposed to an approved commercial operator's requirements). Consider rewriting that an approved commercial operator shall satisfy the County that such operator has:..1., 2., and 3.	Heaton	We acknowledge that there is certainly some overlap between section V(A) and section IV; V(A) states generally what the County will look for, while IV states that may <i>disqualify</i> an applicant. Still, the two are distinct, and we think the general guidance of section V(A) is helpful to prospective applicants.

514	20	V.G	MS	Overall, one week seems like a tight turnaround to require some of these items to be reported. Consider a two-week minimum. Days v. weeks...define working vs. calendar days. 2. States: "Each Commercial Aeronautical Operator shall submit to the Airports Director a certificate of insurance for (a) any aircraft the Commercial Aeronautical Operator brings onto the Airport to conduct any Commercial Aeronautical Activity and (b) any insurance required for the conduct of such Commercial Aeronautical Operator's activities under these Minimum Standards. The Commercial Aeronautical Operator shall submit to the Airports Director all such certificates of insurance for an aircraft within forty-eight (48) hours of bringing such aircraft onto the Airport." Comment: This may be construed to apply to a CAO flight instructor that has a student bring their aircraft to the airport for a lesson. Or a mechanic that has a client fly their airplane to the airports. Should be clarified.	Heaton	We have revised paragraph V(G)(3) to provide a Commercial Aeronautical Operator 14 days (up from "one week") to provide an employee's certification paperwork to the County. However, under paragraph V(G)(4), we have left the same the requirement that the operator inform the County within one week (changed to "seven (7) days") whenever one of its employees has had any of their certificates or ratings changed or revoked or has been penalized by the FAA. We have left that requirement in place because such a change, revocation, or penalty might indicate that the employee poses a safety or security risk, and it is important that the County be aware of that fact so it can take any appropriate action. Separately, we have revised paragraph V(G)(2) to exempt flight instructors temporarily flying a student's aircraft onto the Airport. However, we are not exempting mechanics bringing an aircraft onto the Airport, as we consider it important to know that aircraft undergoing maintenance at the Airport are themselves adequately insured.
515	26	VI.D.4	MS	Cross reference is incorrect.	Heaton	We have revised the cross-reference to section VII(J).
516	36	VII.J.1	MS	The reference to Part 141 is confusing. To what are you applying the Part 141 requirements? The airport should not limit flight training to only Part 141, if that is what is meant to be implied, it is very limiting such that it might be construed as restricting or protecting an existing operator.	Heaton	We have revised this language to require only the appropriate level of certification for the type of instruction being offered.
517	40	VII.M.1	MS	Skydiving-Skydiving is a commercial operation (and private pilots are legally able to accept compensation). Recommend you use generic language (such as 'properly certificated by the FAA, current, and hold the appropriate ratings and licenses...')	Heaton	We believe this requirement is already reflected in paragraph V(D)(1).
518	41	VII.N	MS	Flying Clubs-Recommend a requirement of keeping bylaws, officers, member list, etc., current and on file with the airport. Consider minimum standards for space for maintenance and hangaring if the Club is conducting maintenance on the aircraft.	Heaton	We do not see the benefit of imposing that additional administrative burden on either the flying club or the County. The other conditions and applicable regulations adequately protect the County's interests and ability to enforce.

519	Appendix A	Appx.A	MS	Insurance Requirements-The insurance world is a fast-changing environment. Some of the terms and amounts requested may not be available to a start-up, smaller operator. In such case, we recommend the airport predetermine what kind of variance documentation would be required to reduce any of these requirements. This is a subject of several FAA investigations.	Heaton	Recognizing that aeronautical insurance is a specialized field, the County engaged a nationally recognized, independent expert in aeronautical insurance to develop the insurance requirements originally proposed, Nonetheless, in response to concerns that the levels were too high we have substantially revised the insurance requirements to assure that insurance is obtainable and reasonably affordable.
520	13	D.III.a	RR	Aircraft Maintenance should be allowed in the owners hangar.	Harper	We have removed the section formerly designated D(III).
521	13	D.III.b	RR	Too restrictive, just use common sense to limit stormwater runoff.	Harper	We have removed the section formerly designated D(III).
522	13	D.III.c	RR	Waste of time and too restrictive, shouldn't need permission just to wash a plane. Do you call the county to wash your car in your driveway?	Harper	We have removed the section formerly designated D(III).
523	7	C.IV.a	RR	Too restrictive, gun owners should be allowed to carry their weapons to airport to fly with them. Hunting trips, etc.	Harper	Please see our response to comment 10. We have revised the proposed section C(IV) to more clearly conform to state law and the County's Second Amendment Sanctuary policy.
524	35	J.II.a	RR	Whoaaaa, wayyyy to harsh. Simple rules violations shouldn't necessitate this. IF there is true criminal activity, that is something law enforcement can enforce, however this is way to harsh for a rule/regulation violation.	Harper	Please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor.
525	35	J.II.b	RR	Airport director should not have that level of authority.	Harper	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
526	35	J.II.d	RR	Termination of a lease cause of a simple rules violation is way too harsh. Too broad	Harper	Please see our response to comment 57. We have overhauled the enforcement and penalties provisions of the proposed Rules and Regulations to provide for cure opportunities, greater procedural rights, and Board of County Commissioners authority and discretion over penalties.
527	36	J.III.b	RR	Gives Airports director too much power and authority.	Harper	We have removed this paragraph. Please see our response to comment 57 regarding our proposed revisions to the enforcement process.

528	43	VII.P	MS	Too much over reach. Someone just getting paid to clean a plane shouldn't be effected.	Harper	We do not think the requirements of section VII(P) are too onerous or overreaching. We note that section VII(P) is specifically limited to those Commercial Aeronautical Operators who "are conducting regular and frequent Commercial Aeronautical Activities[.]" If a provider makes a regular and frequent business of cleaning aircraft at an Airport, it is appropriate to regulate their on-Airport activities under the same basic, general Minimum Standards that we would apply to all other aeronautical commercial service providers.
529	46	Appx.A	MS	Insurance requirements are too large, and unnecessary.	Harper	Please see our response to comment 519.
530	1	A.I.c	RR	We believe this paragraph is overly broad and grants too much unilateral authority to the Airport Director. Any rule or regulation should have an objective standard.	Bowman	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
531	2	A.III.b	RR	The specific terms of a lease executed with the County or with the County's approval should prevail over any subsequent Rule or Regulation adopted thereafter.	Bowman	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.
532	4	B.I.b	RR	The FBO is in the best position to determine the fair market value of the products and services it offers. The FBO's decisions regarding rates and charges should not be disturbed unless clearly unreasonable.	Bowman	This provision is not intended to set fees and charges by the FBO, and the County agrees that the FBO is in the best position to set its fees for goods and services, unless clearly unreasonable.
533	4	B.I.d	RR	Same as above re rates and charges.	Bowman	Please see our response to comment 7.
534	4	B.I.a	RR	Same as above re rates and charges.	Bowman	See Response to Comment 383.
535	4	B.II.b	RR	Any sublease consensually entered by FBO should be honored by the County, including the subleasing of hangar, tie-down and office space.	Bowman	The County does require all tenants to abide by the then-existing rates and charges unless a tenant has an agreement with the County that establishes contrary rates and charges and prohibits the County from adjusting them as the Rules and Regulations would otherwise allow. The County also requires all subleases to be approved by the County, in part to ensure that the County remains compliant with its own federal obligations.
536	5	C.I.f	RR	The procedure for dealing with abandoned vehicles and aircraft and governed by sections 705.184 and 705.183, Florida Statutes.	Bowman	Please see our response to comment 490. We appreciate this commenter's reference to the applicable Florida Statutes.
537	5	C.I.g	RR	There should be no prohibition against the consumption of alcoholic beverages in the FBO building, at the restaurant/pub or any other property leased or subleased by ECA.	Bowman	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.

538	5	C.I.j	RR	This provision is overly broad. This prohibition should at least exclude the FBO, office space, restaurant and maintenance hangar.	Bowman	We have removed this paragraph in response to commenters' concerns.
539	6	C.II	RR	It is unclear how these rules and regulations related to Pedestrian Access impact a passenger or customer's ability to walk, unattended, to and from a plane parked on the apron.	Bowman	Passengers should not board aircraft in the Movement Area or a runway safety area. To the extent that a passenger or customer is boarding an aircraft in a taxiway safety area with an appropriate escort, and that escort is exercising reasonable supervision over the passenger, the County would not anticipate a violation of section C(II) (specifically, paragraph C(II)(d), which imposes the escort requirement). We realize that an authorized individual may escort someone without being immediately next to them; the key is that the escort can observe, communicate with, and direct the passenger or customer and can promptly intervene if the passenger or customer behaves in an unsafe or unlawful manner.
540	8	C.V.c	RR	This section is overly broad. The FBO and its tenants should be allowed to post signs within the confines of its leased space without the approval of the Airport Director.	Bowman	Please see our response to comment 11.
541	11	C.II.d	RR	There appears to be a typo in this paragraph.	Bowman	We are not sure what the commenter is referring to. Upon review of the paragraph, we do not see a typo.
542	12	C.II.1	RR	This is governed by section 705.183, Florida Statutes	Bowman	We are not sure which provision the commenter is referring to. However, we note that we have revised paragraph C(I)(f), concerning abandoned property, to specifically reference section 705.183, Florida Statutes, and associated statutory provisions.
543	14	D.VI	RR	We object to any right granted to any individual to repair, refuel, clean or otherwise service an aircraft within the areas leased by the FBO.	Bowman	We do not read this (now heavily shortened) section (redesignated D(III)) to grant a right to conduct service on FBO-leased property.
544	17	E.IV.b-c	RR	We would like to have the right to engage in hot fueling of military aircraft in the future.	Bowman	We have removed this paragraph.
545	19	E.IV.t	RR	We routinely operate our vehicles on the Airport taxiway and runway in order to service customers on the east side of the Airport.	Bowman	We have removed this paragraph.

546	21	E.VI.a	RR	There should be an appellate procedure or other type of due process.	Bowman	We have removed this paragraph. However, the newly created paragraph E(III)(c)(8) requires Self-Fueling Permit holders to grant the Airports Director the ability to inspect the Permit holder's fueling and fuel-storage facilities. Any subsequent revocation of the Permit holder's fueling privileges would be subject to the procedures of the Rules and Regulations' penalties and enforcement section, now designated Section G unless specified otherwise in the permit.
547	23	E.VIII	RR	ECA objects to the County allowing any commercial self-service fueling.	Bowman	Acknowledged. We note that at least one other commenter (see comment 499) has encouraged the County to provide this service, calling it "greatly needed." The County wishes to reserve its option to provide or approve commercial self-service fueling to meet the needs of airport users. Approval would require action by the Board of County Commissioners, which would provide the commenter the opportunity to express its concerns in the context of a specific proposal.
548	24	E.IX	RR	ECA objects to the County allowing any self-fueling of aircraft on any areas leased by ECA.	Bowman	The new paragraph E(III)(b) provides that Self-Fueling must be conducted "in accordance with the Rules and Regulations and with any further requirements or restrictions specified in the Self-Fueling Permit." The County would not authorize self-fueling on the leasehold of another entity without that entity's permission.
549	26	F.I.e	RR	This is governed by section 705.184, Florida Statutes.	Bowman	We appreciate this commenter's observation and have revised paragraph F(I)(e) to reference section 705.184 of the Florida Statutes specifically.
550	34	J	RR	Any and all appeals should be reviewed by a neutral third party to adequately provide due process.	Bowman	Please see our response to comment 22.
551	9	III	MS	ECA subleases offices and hangars to entities that may be engaging in Commercial Aeronautical Activity. These subleases have been reviewed and approved by the County. In general, ECA believes the minimum standards as applied to these sub-tenants are unduly burdensome and, if applied as written, would result in ECA's inability to sublease this space in the future. These minimum standards should only be applied to individuals or entities that have a direct agreement with the County and not sub-tenants of ECA.	Bowman	The County will not retroactively apply section III to existing Commercial Aeronautical Operators with respect to their existing agreements (see paragraph 2 of section III). However, the County is not prepared to exempt an FBO's subtenants from the same application requirements applicable to other prospective Commercial Aeronautical Operators. Such a distinction could give rise to allegations of preferential treatment in violation of the County's federal grant obligations. .
552	15	V.B.1	MS	There should be a required notice and a reasonable opportunity to cure any alleged default.	Bowman	The notice of default and opportunity to cure language is provided in the operating agreement and/or lease with the respective commercial operator.

553	15	V.B.2	MS	Regarding any sub-tenants of ECA that are conducting Commercial Aeronautical Activities, the Agreement is between ECA and the sub-tenant (subject to the approval of the County). The applicable rentals, fees and charges should be between ECA and the sub-tenant. Any rentals, fees and charges received by the County should be limited to those which are due under ECA's lease with the County. It would be untenable for the County to charge ECA's sub-tenants an additional fee based on gross sales.	Bowman	All commercial operators at County Airports must have an operating agreement with the County which includes a fee based on 5% of gross revenues. That is in addition to any lease or other payments an operator must pay to a landlord for the use of leased space. Because the two payments are for different things, we do not see any conflict between the two payments.
554	15	V.C	MS	The insurance requirements may be too onerous for ECA's sub-tenants.	Bowman	Please see our response to comment 519.
555	16	V.E	MS	These rights and duties should be controlled by the sub-lease between ECA and a Commercial Aeronautical Operator.	Bowman	See response to Comment 553. Section V(E)(4) specifically provides that its requirements only apply "[a]bsent a provision in the Agreement establishing a different standard or requirement[.]" The County believes that the other sections within V(E) are appropriately applicable to all Commercial Aeronautical Operators on the Airport, including those subleasing from an FBO.
556	18	VI.D	MS	The FBO should not be allowed to subcontract these required services.	Bowman	Please see our response to comment 374.
557	26	VI.D.3	MS	The reference should be to Section VII.G, instead of Section VII.F.	Bowman	We have made this revision.

558	General	All	Both	<p>Mr. Stage and County Commissioners, There are many items in the new minimum standards that would be a great goal to achieve but should be in no way a “Minimum Standard”. The requirement to have a 145 and a 141 on the airport would be something to aim for as a business owner or FBO not a minimum requirement. I understand that you and your team have spent a great deal of time on this document, but it needs to be adjusted. The new “Minimum Standards Document” is not minimums but Maximums. An aircraft rental/flight training can and should start with one aircraft and build as the market demands, and the final goal would be to become a 141-flight school. A maintenance shop can start out with 2000 square feet and move up as the market dictates, and a 1-million-dollar insurance policy is more than enough to start with and as the business grows to increase as needed. A maintenance facility highest goal would be to a 145 facility, but even then, that would limit the facility on what they could work on. As a 145 facility you can ONLY work under your certificate if the FAA has granted you permission to work on that airframe/engine/or avionics. If an aircraft lands here that is not on your certificate you cannot allow that aircraft in your 145 facility. There are also requirements in the Minimum Standards that would require a business owner to purchase tools, equipment or even aircraft that the local market does not have a need for or at least not enough need to support the added expense.</p>	Cutts	<p>We appreciate this commenter's concerns. While we have responded to comments on specific provisions specifically, we note that we have designed these standards with consideration of the Airports' needs in mind. However, as noted in response to other comments, we have adjusted several provisions of these proposed Minimum Standards--in several cases, by removing requirements--to address commenters' concerns and make compliance more feasible, including many of the specific concerns the commenter raises.</p>
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559	General	All	Both	<p>If you have an understanding of the general and corporate aviation world and the rules and regulations governing them and then read this Minimum Standard doc, you will realize that these requirements are so far from Minimum. I have grown up in aviation, working in general, corporate, commercial, and military. I understand your Goal and would be willing to help you meet them, but to have a strong and prosperous aviation community here at DTS you will need to set the standards at a minimum for business to grow effectively. I as well as many others here are more than willing to assist with these documents, and we ask that you allow us to help as these documents will greatly affect us. You have a wealth of knowledge here that you have been reluctant to tap into. If you were more transparent and open, I believe you would gain the respect of the local community and the public meetings would be completely different.</p>	Cutts	<p>Please see our response to comment 558. However, we respectfully disagree with the commenter's suggestion that the County has not been open or transparent with respect to developing these proposed Minimum Standards and Rules and Regulations. The County has solicited public comment on these proposed policies and extended that comment period at the request of several commenters, such that the County has now solicited public comments for three months. As a result, the County has received the approximately 600 comments included in this document, and we have considered and addressed each individually. In addition, County officials, including the Airports Director, have held multiple public meetings to discuss these proposed policies, including two public meetings of the Okaloosa County Aviation Board (OCAB) during which several of the commenters here engaged in substantive, frank conversations with the Airports Director, legal counsel, and OCAB members regarding these proposed policies. As our responses to these public comments and our revisions to the draft Minimum Standards and Rules and Regulations reflect, we have taken public comments seriously and made numerous changes to the proposed policies in response to, and as recommended by, the comments addressed here. In short, the County has striven to engage and listen to Airport users and County residents and to improve these proposed Rules and Regulations and Minimum Standards by listening to, and addressing, their perspectives openly and transparently.</p>
560	16	V.C.1	MS	<p>Insurance coverage requirements in Appendix A. Aircraft Maintenance and Repair Services minimum of 5 million dollars is unattainable for a small business. The cost per year is more than \$50,000.00. The current one-million-dollar policy should remain the minimum and as a business grows, they should add as needed.</p>	Cutts	<p>Please see our response to comment 519. We have substantially revised the insurance requirements and lowered many of the required coverage limits.</p>
561	17	V.C.7	MS	<p>“The right to review and change requirements AT ANY TIME” Once I bind insurance, I cannot make changes till the next year. Not sure how you expect businesses to comply with this.</p>	Cutts	<p>We have revised paragraph V(C)(7) to provide that, if the County adjusts insurance requirements, Commercial Aeronautical Operators then covered under the existing insurance limits will not have to adjust their own coverage until their insurance contracts allow them to do so.</p>

562	19	V.E.8	MS	<p>“Own, lease, or otherwise have access to the equipment..... without causing any flight delays.” There are many times an aircraft breaks or a discrepancy is found on preflight. At that point there is a flight delay, so that is an unrealistic requirement. The tooling and equipment required for aircraft maintenance is extremely expensive and sometimes unavailable due to there not being enough in circulation. No even the manufacturers’ facilities around the US will have all tooling at each location. It is REASONABLE to have common tooling. I propose that this line be removed</p>	Cutts	<p>We have revised paragraph V(E)(8) to require a service provider to have necessary equipment "to the extent reasonably practicable," and we have further clarified that the paragraph does not require a mechanic to address a mechanical problem faster than is reasonably necessary.</p>
563	19	V.E.9	MS	<p>I as well as other maintenance shops will have tooling that is expensive to calibrate and maintain. Tooling may not be needed for an extended timeframe and may need to be calibrated or rebuilt due to nonuse or time. This is the same as the line above, requiring a business to have all tooling available and ready at all times is unrealistic.</p>	Cutts	<p>We believe that paragraph V(E)(9), which requires the provider to "make all reasonable efforts" to keep its equipment available and well-maintained, provides adequate leeway for operators to comply while still calibrating or rebuilding their tools as necessary.</p>
564	37	VII.J.3	MS	<p>This section like others is un-needed, why dictate hour and days, a flight school is by appointment. Why 2 aircraft, let the market determine whether they need one or 10 aircraft. An FAA approved weather briefing source, that is now your cell phone or iPad. Student service counter??</p>	Cutts	<p>We have removed the requirement for hours of operation and reduced the required number of aircraft to one.</p>
565	44	VII.P	MS	<p>Each repair Service listed... This Paragraph needs to be removed. Why must this be done under par 145?</p>	Cutts	<p>We have revised this provision to require only the certification needed to perform the work being performed.</p>

566	General	All	Both	<p>In the meeting on 12/12/2022 there was a comment stating that the minimum standards were totally different from the rules and regulations. In fact, they are highly intertwined with each other. Every single pilot and every single airplane has to have continued education and continued yearly (or sooner) inspections for maintenance. A new pilot can never learn how to fly without an instructor and as you know, flight instruction is a crucial part of the system for the growth of aviation. After becoming a certificated pilot there are more limitations set that state a pilot has to get a flight review every 24 months to fly with passengers as a continued effort to make sure pilots stay safe, current, and most importantly proficient aviators. With so many types of aircraft in service it is best to get an instructor with specialized training in the type of aircraft that is to be flown. If the instructors have the necessary skill and demand as well as the correct insurance, there should be a more aviation friendly approach to becoming approved. Every aircraft has to have certain inspections as set intervals for their continued operation. Minor maintenance and limited preventative maintenance is an unsafe limitation demanding that you use an unqualified type specific maintenance tech such as VSC or possibly fly an unsafe aircraft to another airport to do have maintenance done to comply with local regulation. All maintenance should be allowed as it is already regulated by the FAA in detail. The other option is go through the process of getting an operating agreement which will take a minimum of 6 months to obtain, when the aircraft needs to be fixed and operated immediately. At this point most aircraft either get flown off site to have an inspection or maintenance done, or use a behind hangar doors approach.</p>	Bartlett	<p>These proposed Minimum Standards do exempt instructors who use an Airport only infrequently for flight training, which should allow student pilots greater choice of instructor. With respect to maintenance, both for commercial reasons (to encourage investment in the Airports by commercial maintenance providers) and safety reasons (to allow the County to ensure that maintenance providers on the Airports are, in fact, properly qualified), the County considers it appropriate to regulate such service providers. However, the County has included exceptions in the Minimum Standards to provide for emergency service (<i>e.g.</i>, paragraph II(D)(1)(b), exempting certain "rapid response" maintenance providers from the Minimum Standards).</p>
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567	General	All	Both	<p>In the matter of safety and legally being able to maintain our aircraft up to the necessary standards as well as pilots being proficient aviators, which in turn limits the liability exposure to you, these are immediate concerns. There are also concerns on timelines amongst several aviators on the field. Personally I sent an email to Tracy Stage, Chad Rogers, and Eric Pilsk asking for answers to several questions regarding these concerns and sent several follow up emails to wait 7.5 weeks for a return email which had 0 comments or replies to any of these concerns. To me, this is unacceptable. When the administration sends you a letter there is a statement saying they would like a follow up response within 14 days, I think at a minimum that the same response time for them would be expected. In the minimum standards document there is an insurance section that defines the insurance limits for each different category. Some of these limitations are unattainable. I checked with my insurance company to upgrade my policy to the updated standards limitations and was informed that none of the insurance companies will set the policy at that high of a limit. How can we attain such limits if they are unavailable? I greatly appreciate you taking the time to address these concerns so that we all can do the best to stay within compliance and still maintain a high level of safety.</p>	Bartlett	<p>With respect to response times, the County appreciates this commenter's concerns. The County works hard to be responsive to the many Airport users who communicate with it, but we will explore ways to expedite responses and streamline approval and communications processes to be even more responsive to Airport users and applicants.</p> <p>With respect to insurance, please see our response to comment 519. We have made substantial revisions to the proposed insurance amounts in response to concerns such as those raised by this commenter.</p>
568	1	A.I.c	RR	Airport Director shall be authorized to make any rules, orders, and decisions at any point without oversight.	Bartlett	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
569	2	A.III.b	RR	These amendments supersede anyone already having a lease and that could be changed at the will of the Airport Director	Bartlett	Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.
570	2	A.IV.a	RR	Airport Director can interpret the rules and regulation and solely responsible for determining any violation.	Bartlett	Please see our response to comment 60.
571	5	C.I.k	RR	Where are the trash receptacles for the hangar?	Bartlett	We have removed this paragraph in response to commenters' concerns.

572	6	C.II.e	RR	Is the hangar owner or gate card holder an authorized person to escort a guest into the AOA at a hangar	Bartlett	Airport tenants would be permitted to escort their guests into the AOA. Per the paragraph now designated C(II)(d), pedestrians are permitted onto the Movement and Safety areas only when necessary for Airport operations or when escorted by an employee of the Airport.
573	10	C.XI	RR	Non-Aeronautical Property Storage	Bartlett	We are uncertain what the commenter intended to state. However, please see our response to comment 13 with respect to hangar storage.
574	13	D.III	RR	Where is the designated area for aircraft maintenance? Is the permission necessary for washing your airplane, is it an every time permission and what is the time allowed for the airport director to reply. Can you come out on a Saturday to wash your airplane and expect to be able get permission same day? What if your plane is washed multiple times a day, every day?	Bartlett	We have removed this section.
575	14	D.VI	RR	The right to self service your aircraft. Clarification needed if any limits are on that right besides having the necessary training and certification to repair your aircraft.	Bartlett	We have revised this section (redesignated D(III)) simply to mirror the limitations articulated by FAA policy on the FAA-granted right to self-service.
576	28	F.IV.i	RR	Vehicles shall park in tie-down areas in spaces leased by vehicle owners. Does this mean that you can put your vehicle in place of your airplane while you are flying (temporary basis)?	Bartlett	We have removed this paragraph.
577		All	Both	NOTE : THIS DOCUMENT CONTAINS PUBLIC RECORDS REQUEST IN ACCORDANCE WITH FLORIDA STATUTE CHAPTER 119¶¶Please provide a reply to: ¶¶rob@waltonhomes.com¶¶If any fees are required, please send a statement to:¶¶rob@waltonhomes.com¶¶Note: The Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge. (https://myfloridalegal.com/pages.nsf/Main/321B47083D80C4CD8525791B006A54E3)¶¶	Smith	Acknowledged.

578	N/A	N/A	Both	<p>I would like to reply and comment regarding the rules and minimum operations proposal for Destin airport. These new rules that you propose are absolutely ridiculous and overreaching in scope and length. As an out-of-state jet aircraft operator that flies into Destin airport on a regular basis I would like to comment that I find these rules and regulations that you propose as unnecessary and ridiculous. If these new rules and regulations do come into affect, I will ultimately plan on taking our aircraft to Panama City airport, where I can buy jet fuel, much cheaper longer runways and being less burdensome and restrictive to operators. I say NO to this proposal.</p>	Williams	<p>We appreciate your concerns. As discussed in response to various comments are particular provisions in the proposed Rules and Regulations and Minimum Standards, we have developed these proposed policies to conform to modern best practices and uphold the County's own legal responsibilities as a federally recognized airport sponsor. However, in response to public comments, we have substantially revised both proposed policies with an eye toward minimizing Airport users' compliance burden while maintaining the safety, security, and efficiency of the Airports.</p>
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579	N/A	N/A	<p>The following are some observations and comments regarding Destin airport activities which I have noted over almost 20 years as a hangar renter with two aircraft.</p> <p>Generally I can say that the experience has been positive however with a few exceptions- these being examples:</p> <ol style="list-style-type: none"> 1. A pronounced tendency to create regulations for problems that don't exist or are minimal. Should I choose to have a certain qualified individual, either FAA certified mechanic to help with routine maintenance or an instructor pilot for a flight review in my airplane- both should be allowed to offer those services in my hangar. Prohibitive and excessive regulations and fees should be avoided. 2..Fuel prices have always been very high. Why do we need to fly to Defuniak or ECP for better fuel prices? 3.The common restrooms for the hangars are poorly maintained. The floor is stripped of tile, it leaks, the soap and towel, paper diispensers are broken. We bring our own toilet supplies ourselves. 4.The FBO is tasked to offer certain services- including "inflight oxygen" fills. It suddenly ceased this service claiming too few operations- now I have to fly to Panama City for this service which has been at DTS since my airplane was purchased in 2008. Why? 5. A strict 'absolutely no non aviation storage ' regulation seems overreaching and unnecessary. 	Elwell	<p>We are glad that your experience has been generally positive, but we hear your concerns. The County's work to update the Rules and Regulations and Minimum Standards is based both on our experience handling matters at the Airports and on the County's need to comply with current FAA regulation and airport best practices. As noted in response to other comments, we have substantially reduced and revised the proposed Rules and Regulations and Minimum Standards in response to public comments.</p> <p>With respect to hangar storage, please see our response to comment 13. We have revised the proposed Rules and Regulations' storage requirements to better conform to FAA policy.</p> <p>We are happy to discuss concerns regarding restroom maintenance and airport services with our tenants. Please feel free to reach out to the Airports Director or other Airports staff with any concerns you may have about either.</p>
580		A.I.a	RR	Watson	<p>Please see our response to comment 134, which addresses the application of the proposed Rules and Regulations to preexisting leases, permits, and agreements.</p>

581	A.I.c	RR	Airport Director should not be authorized to interpret any ordinances as he or she does not or may not have the legal capacity to render a proper interpretation. However he /she should be authorized to apply the ordinance as written with no added or subtracted words.	Watson	Please see our response to comment 5. While the original draft Rules and Regulations tracked the existing Rules and Regulations, we have nonetheless substantially revised proposed section A(I) to better define the limited scope of the Airports Director's authority with respect to urgent situations.
582	A.I.e	RR	Section A Rules & Regulations I E Makes reference to public and private bodies. What does that mean or include? Please include actual names if they exist or examples please.	Watson	Paragraph A(I)(e) merely notes that, where other provisions of the proposed Rules and Regulations refer to a law, regulation, etc. promulgated by the federal or state government or some other entity, that reference should be understood to include any changes to the law, regulation, etc. that might be made after the Rules and Regulations go into effect. Paragraph A(I)(e) does not refer to any specific law or regulation itself.
583	A.I.e	RR	Amendments that are adopted at a later date does not allow for a public comment period and should not be allowed any changes until a public comment period has been provided for in this ordinance for any amendments or any changes.	Watson	Please see our response to the comment immediately above. We are referring to amendments to <i>other</i> policies, such as federal or state laws or regulations, that may be adopted in the future. This paragraph merely ensures that the Rules and Regulations will be read to refer to the most up-to-date version of such policies at any given time. This sort of "as amended" provision is common in airport policies.
584	A.III.b	RR	Amendments that are adopted at a later date does not allow for a public comment period and should not be allowed any changes until a public comment period has been provided for in this ordinance for any amendments or any changes.	Watson	We have revised the proposed Rules and Regulations to clarify that only the Board of County Commissioners can amend the Rules and Regulations. The proposed Rules and Regulations do allow the Airport Director to take action that not be expressly allowed under the Rules and Regulations to address limited emergency circumstances, subject to Board oversight (see, for example, paragraph A(I)(c)).
585	A.IV.a	RR	Airport Director should not be authorized to interpret any ordinances as he or she does not or may not have the legal capacity to render a proper interpretation. However he /she should be authorized to apply the ordinance as written with no added or subtracted words.	Watson	Please see our response to comment 60.
586	A.IV.b	RR	County Employees should not be authorized to interpret any ordinances as he or she does not or may not have the legal capacity to render a proper interpretation. However he /she should be authorized to apply the ordinance as written with no added or subtracted words.	Watson	Paragraph A(IV)(b) does not propose to allow County employees (other than the County Attorney) to render legal opinions regarding the proposed Rules and Regulations. The intent of this paragraph is to allow County employees to provide day-to-day assistance or clarification to Airport users.

587	B.I.a-d	RR	Section B Rules & Regulations I A,B,C,D Does not allow for a public comment period and should not be allowed any changes until a public comment period has been provided for in this ordinance for any amendments or any changes.	Watson	First, please note that we have removed paragraph B(I)(d). Second, it is common practice for airport operators to revise their rates and charges from time to time without a revision to the Rules and Regulations. As noted in our response to comment 6, the Board of County Commissioners has the sole authority to adopt Airport rates and charges. Any action by the Board regarding rates and charges would be taken in public session and was not intended to prohibit the Board from soliciting public comment before imposing or revising any rates or charges.
588	B.II.a-b	RR	Usually governments operate on an increase of fees by Professional Appraisals or similar or by adjustment of the CPI annually.	Watson	The Board of County Commissioners may well consider such options when implementing or revising any rates or charges.
589	B.II.a-b	RR	Does not allow for a public comment period and should not be allowed any changes until a public comment period has been provided for in this ordinance for any amendments or any changes.	Watson	Please see our response to comment 587. Please note that we have revised paragraph B(II)(a) to assign the responsibility for adopting and publishing rates and charges to the Board of County Commissioners, rather than to the Airports Director.
590	C.I.a	RR	Please explain what “efficient use of the airport by any other person or by any vehicle or aircraft”.	Watson	Paragraph C(I)(a) generally refers to conduct that would impair the proper operation of the airport, and includes reckless, obstructive, or threatening conduct.
591	C.I.b	RR	As I understand correctly your county authority ends the moment the aircraft becomes airborne. Please explain or clarify the exact meaning of this paragraph.	Watson	We have removed this paragraph.
592	C.I.g	RR	Okaloosa County is not a dry county please explain how the county would restrict private legal consumption on leased premises or onboard any aircraft whether it be local or Transient aircraft or Limousines picking up passengers, etc.	Watson	Please see our response to comment 9. We have revised the draft rule on alcohol consumption in response to tenants' concerns.
593	C.I.j	RR	This is potentially the top 10 most hideous proposed rule I had to subject myself to reading. If you need to control this activity perhaps you guys should be reading the now existing Destin ordinance on noise.	Watson	We have removed this paragraph in response to commenters' concerns.
594	C.II.a	RR	It does not follow the legal standard that the county would require pedestrians to use roadways because of liability. Law Enforcement always advises to get on sidewalks because roads are dangerous. Particularly Destin Executive Road where two vehicles pass with little clearance with a fence on one side and overgrown bushes on the other side giving pedestrians no room to walk.	Watson	We have removed this paragraph.

595	C.II.b	RR	Very poor choice of wording for a person developing the Rules. Please correct one or the other policy for the controlled gate. Either don't let anyone in or don't stop after passing the gate. You simply can't have it both ways when a person could be cited, detained, removed or imprisoned with a violation of the Rules & Regulations.	Watson	We have deleted paragraph H(II)(f), which addresses your concern with an apparent inconsistency. In any event, the intent is to assure that only authorized persons can access the Airports and their access is unimpeded except by law enforcement officers. We have modified former paragraph C(II)(b) to clarify that it protects only people authorized to access the Airports.
596	C.II.c	RR	The Destin Airport is a public use airport that has potential operations 24 hours a day. Restricting aviation people from this public use space does not seem in the best interest of the public safety. Now if a person is unwanted it's pretty simple to have the Sheriffs Office issue a trespass against them which would forever trespass them or risk arrest. In addition, families come to the airport particularly on the weekends with young kids, eventually those kids grow up from being inspired by those weekend trips and become very influential aviation professionals. It is the duty of the Airport Director and all county commissioners to do everything in their power to promote the youth of aviation and aviation in general.	Watson	Please see our response to comment 29. The County welcomes the comradery of the Airport community.
597	C.II.d	RR	This is not how trespass works. There is a process that must be followed.	Watson	We have revised this paragraph (redesignated C(II)(c)) to closely conform to Florida law.
598	C.II.g	RR	This does not make sense anytime you are in the movement area you are potentially mixing with active traffic. Instead of talking to someone sitting on their couch as proposed, why not require those persons to monitor or announce their intentions on CTAF.	Watson	Two-way radio contact is necessary to assure that the pedestrian can receive instructions to move if necessary for safety or security reasons.
599	C.IV.c	RR	This paragraph states "May not shoot tipped arrows onto the airport." These Rules & Regulations only apply to people at the airport. Conversely the airport is surrounded by Residential housing which we all agree is in very close proximity. What would happen if one of the authorized individuals fired a gun and killed a child out playing in their own backyard? What would happen then or what are the consequences for that individual?	Watson	The Rules and Regulations would not supersede whatever criminal, civil, or administrative penalties or liability might exist for the actions this comment describes. See paragraph A(I)(b).
600	C.IV.d	RR	Section C Rules & Regulations IV D states may not discharge a laser into the airport. These Rules & Regulations only apply to people at the airport?	Watson	Per paragraph A(III)(a), "Provisions hereof," referring to the Rules and Regulations, "concerning the safety and security of the Airports shall apply to all persons within the County."

601	C.IV.f	RR	Does not allow for a public comment period and should not be allowed any changes until a public comment period has been provided for in this ordinance for any amendments or any changes.	Watson	While this section does not prohibit notice and comment, the County generally cannot publicize certain aspects of its Airport Security Program, which may be considered Sensitive Security Information under federal regulation (see 49 C.F.R. part 1520) and thus not publicizable.
602	C.VI.a-c	RR	This entire section may very well be in violation of the US Constitution. County should have guidance as to not get into any down the road legal issues and have to pay out large sums of taxpayers money for constitutional violations.	Watson	We have removed this section, including any references to photography or recording.
603	C.X.c	RR	Potentially every airport operation is in violation of proposed X-C of the Rules & Regulations.	Watson	This section addresses only entities that seek access to the airport from non-airport property adjacent to the airport. This is not intended to apply to anyone entering the airport. The FAA generally disfavors through-the-fence operations, and prohibits residential-through-the-fence operations, thus the need for specific FAA and County approval for a through-the-fence operation.
604	C.XI.c	RR	Please give a legal interpretation on the county removing any item from within leased premises and not being 100% monetarily liable for the entire removal process. Also include case law to support your conclusions.	Watson	We have removed this paragraph. However, as we have revised the proposed Rules and Regulations (see redesignated paragraph C(IX)(a)), the County's policy on hangar storage is designed to conform to the FAA's Policy on the Non-Aeronautical Use of Airport Hangars, 81 Fed. Reg. 38,906 (June 15, 2016).
605	D.I.a	RR	FAA allows for Operation of Aircraft by FAA mechanics conducting maintenance checks .The word Mechanics must be added to this paragraph as well as student pilots and any other term that may be used for aircraft operators.	Watson	We have removed this paragraph.
606	D.I.c	RR	This is Factually wrong on Radio Procedures. Departing aircraft must contact Eglin Clearance prior to Take Off on the appropriate frequency. Prior to take off it is a great idea to announce your intentions but not mandatory on CTAF. Arriving at DTS you will be talking to Eglin approach which will at some point allow you to switch to CTAF and again it's a great idea but not mandatory to announce your intentions on CTAF.	Watson	We have removed this paragraph.
607	D.I.d	RR	Please explain what “No person may operate any aircraft constructed, equipped or loaded” means.	Watson	We have removed this paragraph.
608	D.II.d	RR	Leased premises (Hangars) are not controlled by anyone other than County. Please correct by excluding hangars (leased premises)	Watson	We have removed this paragraph.

609		D.II.f	RR	This paragraph needs to have language that hangars are excluded from this paragraph or that hangars are designated by the County for the purpose of deplaning and enplaning passengers and cargo.	Watson	We have removed this paragraph.
610		D.II.j	RR	This paragraph needs to have language that hangars are excluded from this paragraph.	Watson	We have removed this paragraph.
611		D.III.c	RR	The statement “Shall first obtain permission to dry wash your aircraft” is absurd. Dry washing is like cleaning your kitchen table at home. A person should not have to ask permission from any individual or County official to maintain their personal property unless it falls under the category of forbidden materials going into the ground. If this would be the case a person to include the County could not even intentionally operate a vehicle with an oil leak, which almost every vehicle could be identified with an oil leak.	Watson	We have removed this paragraph.
612		F.II.a-f	RR	Practically all transient aircraft pilots and passengers arrive/ depart with no ownership of a local vehicle. With the World now a seamless internet based ordering tool, how would the Airport Director or County Commissioner’s propose users arrive or depart the airports safely, effectively and efficiently without being in violation of Rules & Regulations and possibly being cited, detained, removed or imprisoned.	Watson	Please see our response to comment 169.
613		F.IV.a	RR	This paragraph does not include hangar tenants. Need to add the verbiage “Drivers of vehicles who are escorted by Airport , FBO personnel or Hangar Tenants who are duly qualified to operate a motor vehicle within the AOA.” This verbiage should eliminate Hangar Tenants from being in violation of the Rules & Regulations and having their leases canceled.	Watson	In order to assure safety on the airfield, the County will require anyone operating a vehicle on the airfield to have completed the required training, unless escorted by the appropriate FBO or County personnel. If a tenant's guest brings a car to the airfield, the tenant should drive the car on the airfield or use the tenant's car to drive the guest to the hangar or airplane.
614		F.IV.g	RR	County vehicles should never invoke right of way over anyone unless an emergency currently exists. All county airport maintenance and operations vehicles and equipment must adhere to all Rules & Regulations without exception.	Watson	Acknowledged.

615		F.IV.j	RR	<p>This makes zero sense. Technically if this is passed the Tower personnel would have to walk to work. Between the tower (Airport Building) and the parked airplanes on the ramp is the tower road which would put the tower personnel in violation and subject them to citation, detention, removal or imprisonment. Don't you think with all the driving rules in place now coupled with the expanding proposed rules that this rule should be eliminated. In addition it should be clearly stated that all county airport maintenance vehicles, operation vehicles and equipment shall adhere to all Rules & Regulations without exception unless an emergency currently exists.</p>	Watson	We have removed this paragraph.
616		F.IV.k	RR	<p>Don't know what that industry standard is but if you're flying a Gulfstream and a ground vehicle is 25 feet in front of you while taxiing it would possibly look like you just ran him/her over. This proposed rule without a doubt needs to be reexamined.</p>	Watson	<p>This paragraph (now redesignated F(IV)(k)) sets out minimum requirements. They are in addition to, and do not supersede, the requirement of newly redesignated paragraph F(IV)(d) that ground vehicles yield right-of-way to aircraft to allow the aircraft enough space to safely operate. In other words, paragraphs F(IV)(d) and F(IV)(k), read together means that a ground vehicle must <i>both</i> (a) yield (reasonable) right-of-way and also (b) stay at least 25 feet in front of, or 100 feet behind, the aircraft. If reasonable right-of-way requires more than 25 feet for a given aircraft, F(IV)(d) would require more than 25 feet of space in that particular circumstances.</p>
617		J.II.b	RR	<p>If the Court and Airport Director issue fines and/or imprisonment from each respective office is that not Double Jeopardy? After all, the Rules & Regulation initiated the action. All penalties need to be examined for Double Jeopardy Laws.</p>	Watson	<p>That would not be double jeopardy. In laymen's terms, double jeopardy refers to trying somebody twice for the same charge, not to punishing them in multiple ways. The County (now clarified to mean the Board of County Commissioners) has the authority to issue various administrative penalties. The courts could issue criminal penalties or otherwise enforce applicable laws.</p>

618		J.II.d	RR	<p>Literally Littered throughout the Rules & Regulations are multiple threats of Lease Cancellation or Imprisonment. In Section A II - A of Rules & Regulations it says “ The Purpose of the County’s goals are to establish Rules & Regulations to promote the safe, secure and orderly use of the Airport”. How does this give any hangar tenants, local or transient users that the airport and county staff is working on their behalf.. Instead Local and Transient users of the Destin Airport are on the defensive waiting for what is coming. The Rules & Regulations as written today has all the earmarks as this will not end well for many folks in the near future.</p>	Watson	<p>With respect to criminal penalties, please see our response to comment 89. Under Florida law, violation of airport regulations is a misdemeanor. The Rules and Regulations simply restate this fact.</p>
619		All	Both	<p>My name is Kelly Ducharme and my family and I have frequently utilized the Destin airport my whole life. It has always been a pleasant experience without any issues. I have always been satisfied with the relaxed atmosphere and the way that the airport operates. I have become aware that a whole new set of rules is potentially being created. This is seemingly unnecessary to me, as I feel like the way in which things are currently done seems to work just fine. If there are issues with the current rules, why not make it identifiable to the public, and amend the current rules within reason. Writing a whole new set of rules usually indicates operations that are severely impaired or dysfunctional with repeated breaches regarding things such as safety and security. Another reason for this proposed new rule set could be someone within the organization wanting more power. I do not think that the Destin Airport is proposing new rules for the first reason. I think that this individual should be eliminated because it seems as though the Destin Airport is not in their best interest. I propose fixing and amending current policies and procedures to ensure that the Destin Airport remains the same vibrant place that I know and love.</p>	Ducharme	<p>We appreciate your concerns. As discussed in response to various comments are particular provisions in the proposed Rules and Regulations and Minimum Standards, we have developed these proposed policies to conform to modern best practices and uphold the County's own legal responsibilities as a federally recognized airport sponsor. However, in response to public comments, we have substantially revised both proposed policies with an eye toward minimizing Airport users' compliance burden while maintaining the safety, security, and efficiency of the Airports.</p>