

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: December 3, 1997

Revised: _____

Subject: Airports/licensing exemptions

| | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|----------------|-----------------------|------------------|---------------------|
| 1. | <u>Caridi</u> | <u>Johnson</u> | <u>TR</u> | <u>Favorable/CS</u> |
| 2. | _____ | _____ | <u>WM</u> | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The CS provides that certain airport sites which meet the criteria for designation as a “temporary airport” under s. 330.27(11), F.S., shall be exempted from the provisions of s. 330.30, F.S., if the sites are used no more than 30 days per calendar year, and are used exclusively for aerial application or spraying of crops on a seasonal basis. Any airport proposed under this section which is within 3 miles of an existing airport must have a memorandum of understanding or letter of agreement specifying safe air-traffic patterns. Section 330.30, F.S. requires approval and inspection by the Department of Transportation for adequacy, zoning and safety requirements, notification of neighbors, coordinated air-traffic patterns and payment of licensing fees.

This CS substantially amends section 330.30 of the Florida Statutes.

II. Present Situation:

Pursuant to s. 330.30(2)(c), F.S., the department may authorize a site as a temporary airport if, after inspection, it finds that the airport will not “endanger the public health, safety, or welfare.” Section 330.27(11), F.S., defines temporary airport as “an airport, publicly or privately owned, that will be used for a period of less than 90 days with no more than 10 operations per day.” The authorization for a temporary airport expires no later than 90 days after issuance and is not renewable. The license fee for a temporary airport is \$25.

A person seeking to acquire, construct or establish an airport must obtain prior approval by the department. Application and license requests are to be submitted together with a \$100 site approval fee. The criteria for airport site approval are;

- ▶ The site is adequate for the proposed airport;

- ▶ The airport will conform to minimum standards of safety and will comply with applicable county or municipal zoning requirements;
- ▶ All nearby airports, municipalities, and property owners, have been notified and any comments submitted by them have been given adequate consideration; and
- ▶ Safe air-traffic patterns can be worked out for the proposed airport and for all existing airports and approved airport sites in the vicinity.

The department has the authority to license an airport that does not meet the above criteria only if it determines granting of a “special license” is justified by unusual circumstances or public convenience, without any danger to public health, safety, and welfare.

III. Effect of Proposed Changes:

The CS amends s. 330.30, F.S., adding an exemption from the provisions of s. 330.30 F.S., for certain airport sites that;

- ▶ Meet the definition for “temporary airports” in s. 330.27 (11) F.S.;
A temporary airport under this section is defined as one which is publicly or privately owned and will be used less than 90 days with no more than 10 operations per day.
- ▶ Are used less than 30 days per year rather than the 90 day maximum in s. 330.27 (11), F.S., and;
- ▶ Are sites which are used exclusively for aerial application or spraying of crops on a seasonal basis.

The exemption would not apply to any licensed airport where permanent crop aerial application or spraying facilities are installed.

When an airport or airport site exists within 3 miles of a temporary airport proposed pursuant to this section there must be an agreement setting out safe air-traffic patterns.

The exemption would allow airport sites that meet the criteria to run without seeking prior approval from the department, without meeting the standards of the department, and without payment of the approval and license fees.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

The CS exempts certain airport sites from all license and fee requirements found in s. 330.30, F.S. The reduction in fee collections would probably be negligible due to the limited number of airport sites actually affected by the exemption, and the amount of the current fee of \$25 dollars. The department has stated that the CS causes no negative impact.

B. Private Sector Impact:

Person's performing aerial crop dusting would be able to use a near by field or other level area as a temporary site for refueling and refilling spraying apparatus without attaining prior approval and inspection by DOT.

C. Government Sector Impact:

The CS exempts certain temporary airports from airport licensing, fees, and standards, if the site is used exclusively for aerial application or spraying of crops on a seasonal basis and the period of operation does not exceed 30 days per calendar year. This provision limits the department's ability to make, or enforce rules relative to safety and service for such airport sites. However, the CS does require an agreement for safe air-traffic patterns with any airport within 3 miles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

SPONSOR: Transportation Committee and Senator Hargrett

BILL: CS/SB 110

Page 4
