

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 728

INTRODUCER: Senator Harrell

SUBJECT: Advanced Air Mobility

DATE: January 31, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 728 creates the Advanced Air Mobility Study Task Force adjunct to the Florida Department of Transportation (FDOT). The bill directs the FDOT secretary, or the secretary’s designee, to serve as chair of the task force and provides for additional members, either by identification or by appointment. Appointed members serve at the pleasure of the specified appointing authority. Task force members serve without compensation but are entitled to receive reimbursement for per diem and travel.

The bill directs the task force to hold public hearings in locations throughout the state, or by electronic means, and receive public comments through a website or by mail. The task force is directed to:

- Assess and describe the current state of development of the advanced air mobility industry, specifically, vertical takeoff and landing (VTOL) aircraft, defined in the bill as “aircraft capable of taking off and landing vertically without use of a runway.”
- Identify and discuss federal requirements that must be met for deployment of advanced air mobility in this state.
- Recommend revisions to current law that may impact the advanced air mobility industry, including without limitation, any revisions that would create jurisdictional consistency for advanced air mobility operations throughout the state.
- Collaborate with local governments to evaluate potential integration of advanced air mobility into transportation plans and summarize the collaboration.

By October 1, 2023, the task force is directed to submit to the Governor, the Senate President, and the House Speaker a report including the above-described information, as well as any other relevant material deemed appropriate by the task force. The task force is abolished upon submission of the report, and the undesignated section of law expires on December 31, 2023.

The fiscal impact to the FDOT is unknown but expected to be absorbed within existing resources. See the “Fiscal Impact Statement” for details.

The bill takes effect July 1, 2022.

II. Present Situation:

Federal Aviation Administration Certification

VTOL aircraft use in the public arena is being pursued by a number of business entities, in the United States and elsewhere. The ability of these aircraft to take-off and land without the use of a runway offers an additional option for mobility, and electric VTOL aircraft offer additional environmental benefits, such as reduced air pollutants. VTOL aircraft, however, remain in the development stage. To date, the Federal Aviation Administration (FAA) has not certified any VTOL aircraft for commercial passenger transportation. As described by one pilot author, certification has been the “elephant in the room” for any company competing to get into the air taxi business.¹

The FAA has entered into agreements with VTOL aircraft developers which set out what are known as G1 certification conditions their aircraft must meet to be certified for commercial operations.² However, whether any VTOL aircraft is nearing actual FAA certification is unclear, as the G1 certification is just an initial phase of the process.³ One company undergoing the process asserts that the industry still has “several years of aircraft testing ahead of us.”⁴

On the other hand, another company has announced aggressive plans to establish a regional air mobility network in Lake Nona, Florida, by 2025 in partnership with the City of Orlando, using the company’s high-speed electric VTOL jet aircraft. The company intends to establish a network of “vertiports,”⁵ allowing the connection of “more than 20 million Floridians within a 186-mile radius, serving several major cities including Orlando and Tampa⁶ A visual graphic of the proposed network suggests eventually-intended location of vertiports over a broad swath of the entire state.⁷ The company reportedly has plans to offer “a 24-minute trip for \$170.”⁸

¹ See [evtol.com, EASA and FAA eVTOL standards: Two approaches, one objective](https://evtol.com/opinions/easa-faa-evtol-standards/), available at <https://evtol.com/opinions/easa-faa-evtol-standards/> (last visited January 28, 2022).

² See Aviation Today, *Joby Agrees to eVTOL Certification requirements with the FAA*, February 9, 2021, available at [Joby Agrees to eVTOL Certification Requirements with FAA - Aviation Today](#); CompositesWorld, *FAA approves G-1 Certification Bases for Archer*, September 9, 2021, available at [FAA approves G-1 Certification Basis for Archer | CompositesWorld](#); and lilium.com, *Certifying the Lilium Jet and its operations*, under “Aircraft Certification,” available at *Certifying the Lilium Jet and its operations* (last visited January 28, 2022).

³ See [evtol.com, Archer claims to have FAA certification basis for its eVTOL aircraft](https://evtol.com/news/archer-secures-faa-certification-basis-for-its-evtol-aircraft/), September 7, 2021, available at <https://evtol.com/news/archer-secures-faa-certification-basis-for-its-evtol-aircraft/> (last visited January 28, 2022).

⁴ See CompositesWorld, *Joby Aviation accelerates eVTOL aircraft certification*, February 9, 2021 (last visited January 28, 2022).

⁵ “A type of airport for aircrafts which land and take off vertically.” See The Free Dictionary, available at [Vertiport - definition of vertiport by The Free Dictionary](#) (last visited January 28, 2022).

⁶ See lilium.com, *Lilium partners with Tavistock development and City of Orlando to establish first region in the US*, available at [Lilium partners with Tavistock development and City of Orlando to establish first region in the US - Lilium](#) (last visited January 28, 2022).

⁷ *Id.*

⁸ See Aviation Today, *Lilium to Launch New Electric Air Mobility Network in Florida*, November 14, 2020, available at [Lilium to Launch New Electric Air Mobility Network in Florida - Aviation Today](#) (last visited January 28, 2022).

Whether FAA certification of VTOL aircraft for commercial passenger transportation is imminent may be unclear, but at least one company is actively engaged in seeking to establish a network here in Florida using electric VTOL aircraft. Additionally, Miami-Dade County is reportedly working on development of an implementation plan for an Urban Air Mobility System “to accommodate in-city airborne emergency services, traffic monitoring and management, public safety, cargo, and, yes, individual passenger travel and public transport within the county’s boundaries.”⁹

III. Effect of Proposed Changes:

The bill creates an undesignated section of law creating the Advanced Air Mobility Study Task Force adjunct to the FDOT.¹⁰ The FDOT task force is composed of the following members:

- The FDOT secretary or the secretary’s designee, who serves as chair.
- One member of the Senate appointed by the Senate President.
- One member of the House appointed by the House Speaker.
- The executive director of the Florida League of Cities or the director’s designee.
- The executive director of the Florida Association of Counties or the director’s designee.
- The president of Space Florida or the president’s designee.
- Appointed by the Governor:
 - Two members, each representing a different city having a population of more than 250,000 persons.
 - One member representing a city having a population of fewer than 250,000 persons.
 - One member representing a metropolitan planning organization.
 - One member representing the State University System.
 - Three members representing the advanced air mobility industry.
 - One member representing an organization in this state that advocates for persons with disabilities.
 - Two members representing the business community.
 - One member representing an organization in this state that advocates for underserved transportation areas.
 - One member representing a public airport located in a county having a population of more than 1 million persons.
 - One member representing a public airport located in a county having a population of fewer than 1million persons.

Appointed members serve at the pleasure of the appointing authority and without compensation, but are entitled to receive reimbursement for per diem and travel expenses.

⁹ See Florida Politics, *Miami-Dade brain trust to examine in-city flying cars, cargo in “Urban Air Mobility System, available at [Miami-Dade brain trust to examine in-city flying cars, cargo in 'Urban Air Mobility System' \(floridapolitics.com\)](#)* (last visited January 28, 2022).

¹⁰ The bill defines the term “task force” as set forth in s. 20.03(8), F.S., which is “an advisory body...created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.” Section 20.052, F.S., specifies requirements for the establishment, evaluation, and maintenance of certain bodies created by specific statutory enactment as an adjunct to an executive agency. Except as otherwise provided in the bill, the bill requires the task force to operate in a manner consistent with s. 20.052, F.S.

The task force is directed to hold public hearings in locations throughout the state, or by electronic means, and receive public comments through a website or by mail. The task force is required to:

- Assess and describe the current state of development of the advanced air mobility industry, specifically, deployment of VTOL aircraft, defined for purposes of the undesignated section of law as “aircraft capable of taking off and landing vertically without use of a runway;”
- Identify and discuss any federal requirements that must be met for deployment of advanced air mobility in this state;
- Recommend any revisions to current state law that may impact the advanced air mobility industry, including, but not limited to, any revisions that would create jurisdictional consistency for advanced air mobility operations throughout this state; and
- Collaborate with local governments to evaluate potential integration of advanced air mobility into transportation plans and summarize the collaboration.

By October 1, 2023, the task force is directed to submit to the Governor, the Senate President, and the House Speaker a report including the bulleted information described above, as well as any other relevant material deemed appropriate by the task force. The task force is abolished upon submission of the report.

The undesignated section of law expires on December 31, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private sector members of the task force may incur expenses during the course of participation but are entitled to reimbursement for per diem and travel expenses.

C. Government Sector Impact:

Government sector members of the task force may incur expenses during the course of participation but are entitled to reimbursement for per diem and travel expenses.

The FDOT will incur expenses associated with reimbursement of member per diem and travel expenses; with conducting public hearings, maintaining the website, and receiving public comments; and with preparing the report. The total amount of these expenses is unknown but is expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.