

26 department; requiring an annual report to the Governor
 27 and Legislature; designating the Greater Orlando
 28 Aviation Authority as the advanced air mobility test
 29 site for this state; amending s. 333.03, F.S.;
 30 revising considerations required for the adoption of
 31 airport land use compatibility zoning regulations;
 32 amending s. 333.02, F.S.; conforming a provision to
 33 changes made by the act; providing an effective date.
 34

35 Be It Enacted by the Legislature of the State of Florida:
 36

37 Section 1. Section 330.27, Florida Statutes, is amended to
 38 read:

39 330.27 Definitions, when used in ss. 330.29-330.39.—

40 (1) "Aircraft" means a powered or unpowered machine or
 41 device capable of atmospheric flight, except a parachute or
 42 other such device used primarily as safety equipment. The term
 43 includes powered-lift aircraft.

44 (2) "Airport" means an area of land or water used for, or
 45 intended to be used for, landing and takeoff of aircraft,
 46 including appurtenant areas, buildings, facilities, or rights-
 47 of-way necessary to facilitate such use or intended use. The
 48 term includes a vertiport.

49 (3) "Department" means the Department of Transportation.

50 (4) "Limited airport" means any airport limited

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51 exclusively to the specific conditions stated on the site
52 approval order or license.

53 (5) "Powered-lift aircraft" means a heavier-than-air
54 aircraft capable of vertical takeoff, vertical landing, and low-
55 speed flight which depends principally on engine-driven lift
56 devices or engine thrust for lift during such maneuvers and on
57 nonrotating airfoils for lift during horizontal flight.

58 (6)~~(5)~~ "Private airport" means an airport, publicly or
59 privately owned, which is not open or available for use by the
60 public, but may be made available to others by invitation of the
61 owner or manager.

62 (7)~~(6)~~ "Public airport" means an airport, publicly or
63 privately owned, which is open for use by the public.

64 (8)~~(7)~~ "Temporary airport" means an airport at which
65 flight operations are conducted under visual flight rules
66 established by the Federal Aviation Administration and which is
67 used for less than 30 consecutive days with no more than 10
68 operations per day.

69 (9)~~(8)~~ "Ultralight aircraft" means any aircraft meeting
70 the criteria established by part 103 of the Federal Aviation
71 Regulations.

72 (10) "Vertiport" means an area of land, water, or
73 structure used or intended to be used for the takeoff or landing
74 of powered-lift aircraft.

75 Section 2. Subsections (3) and (4) of section 330.30,

76 Florida Statutes, are renumbered as subsections (4) and (5),
 77 respectively, paragraph (a) of subsection (1), paragraph (a) of
 78 subsection (2), and present subsection (4) are amended, and a
 79 new subsection (3) is added to that section, to read:

80 330.30 Approval of airport sites; registration and
 81 licensure of airports.—

82 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
 83 REVOCATION.—

84 (a) Except as provided in subsection (4) ~~(3)~~, the owner or
 85 lessee of a proposed airport shall, before site acquisition or
 86 construction or establishment of the proposed airport, obtain
 87 approval of the airport site from the department. Applications
 88 for approval of a site shall be made in a form and manner
 89 prescribed by the department. The department shall grant the
 90 site approval if it is satisfied:

91 1. That the site has adequate area allocated for the
 92 airport as proposed.

93 2. That the proposed airport will conform to licensing or
 94 registration requirements and will comply with the applicable
 95 local government land development regulations or zoning
 96 requirements.

97 3. That all affected airports, local governments, and
 98 property owners have been notified and any comments submitted by
 99 them have been given adequate consideration.

100 4. That safe air-traffic patterns can be established for

101 the proposed airport with all existing airports and approved
 102 airport sites in its vicinity.

103 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL,
 104 REVOCATION.—

105 (a) Except as provided in subsection (4) ~~(3)~~, the owner or
 106 lessee of an airport in this state shall have a public airport
 107 license, private airport registration, or temporary airport
 108 registration before the operation of aircraft to or from the
 109 airport. Application for a license or registration shall be made
 110 in a form and manner prescribed by the department.

111 1. For a public airport, upon granting site approval, the
 112 department shall issue a license after a final airport
 113 inspection finds the airport to be in compliance with all
 114 requirements for the license. The license may be subject to any
 115 reasonable conditions the department deems necessary to protect
 116 the public health, safety, or welfare.

117 2. For a private airport, upon granting site approval, the
 118 department shall provide controlled electronic access to the
 119 state aviation facility data system to permit the applicant to
 120 complete the registration process. Registration shall be
 121 completed upon self-certification by the registrant of
 122 operational and configuration data deemed necessary by the
 123 department.

124 3. For a temporary airport, the department must publish
 125 notice of receipt of a completed registration application in the

126 next available publication of the Florida Administrative
127 Register and may not approve a registration application less
128 than 14 days after the date of publication of the notice. The
129 department must approve or deny a registration application
130 within 30 days after receipt of a completed application and must
131 issue the temporary airport registration concurrent with the
132 airport site approval. A completed registration application that
133 is not approved or denied within 30 days after the department
134 receives the completed application is considered approved and
135 shall be issued, subject to such reasonable conditions as are
136 authorized by law. An applicant seeking to claim registration by
137 default under this subparagraph must notify the agency clerk of
138 the department, in writing, of the intent to rely upon the
139 default registration provision of this subparagraph and may not
140 take any action based upon the default registration until after
141 receipt of such notice by the agency clerk.

142 (3) VERTIPOINTS.—

143 (a) On or after October 1, 2024, the owner or lessee of a
144 current or proposed private airport who desires to allow
145 operation of powered-lift aircraft to or from the airport via a
146 vertiport must obtain the department's approval in the form of a
147 powered-lift aircraft endorsement before commencing such
148 operations. Applications for approval of a powered-lift aircraft
149 endorsement shall be made in a form and manner prescribed by the
150 department, and the department shall streamline the application

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151 and recertification process for the endorsement with the
152 application and recertification process for registration as a
153 private airport. The department shall grant the endorsement if
154 it is satisfied that:

155 1. The site has adequate area allocated for the proposed
156 vertiport.

157 2. The proposed vertiport will conform to the private
158 airport's other registration requirements.

159 3. All affected airports, local governments, and property
160 owners have been notified of the proposed vertiport, and any
161 comments submitted by them have been given adequate
162 consideration.

163 4. Safe air traffic patterns can be established for the
164 proposed vertiport in relation to all existing airports and
165 approved airport sites in the vicinity of the proposed
166 vertiport.

167 (b) Approval of a powered-lift aircraft endorsement shall
168 be granted only after receipt of documentation in a form and
169 manner the department deems necessary to satisfy the conditions
170 in paragraph (a).

171 (c) Approval of a powered-lift aircraft endorsement may be
172 granted subject to any reasonable conditions the department
173 deems necessary to protect the public health, safety, or
174 welfare.

175 (d) The department shall issue a powered-lift aircraft

176 endorsement after a final physical inspection of the proposed
177 vertiport finds the vertiport to be in compliance with all
178 requirements for the endorsement.

179 (e) The powered-lift aircraft endorsement shall remain
180 valid only if the private airport's registration remains valid
181 under subsection (2). The private airport registrant who holds
182 the powered-lift aircraft endorsement must periodically certify,
183 by electronic submittal, specific elements of vertiport data
184 established by the department. The recertification for the
185 powered-lift aircraft endorsement must be completed at the time
186 of recertification of the private airport's registration
187 pursuant to subsection (2). The expiration date of the current
188 powered-lift aircraft endorsement will be clearly identifiable
189 from the state aviation facility data system.

190 (f) The department may revoke, or refuse to approve or
191 issue, any powered-lift aircraft endorsement or recertification
192 if it determines that:

- 193 1. The site has been abandoned as a vertiport;
- 194 2. The airport does not comply with the conditions of the
195 powered-lift aircraft endorsement; or
- 196 3. The vertiport has become either unsafe or unusable for
197 flight operation due to physical or legal changes in conditions
198 that were the subject of approval.

199 (5)-(4) EXCEPTIONS.—Private airports with 10 or more based
200 aircraft may request to be inspected and licensed by the

201 department. Private airports licensed according to this
 202 subsection shall be considered private airports as defined in s.
 203 330.27 ~~s. 330.27(5)~~ in all other respects.

204 Section 3. Subsection (3) is added to section 330.36,
 205 Florida Statutes, to read:

206 330.36 Prohibition against county or municipal licensing
 207 of airports or vertiports; regulation of seaplane landings.—

208 (3) Notwithstanding subsection (1), a county or
 209 municipality of this state may not license vertiports or control
 210 their location. The determination of suitable sites and
 211 standards of safety for vertiports is preempted to the state and
 212 shall be in accordance with this chapter. A county or
 213 municipality may not issue occupational licenses to operators of
 214 vertiports. Local government land development regulations and
 215 zoning requirements do not apply to vertiport sites.

216 Section 4. Subsection (10) is added to section 332.006,
 217 Florida Statutes, to read:

218 332.006 Duties and responsibilities of the Department of
 219 Transportation.—The Department of Transportation shall, within
 220 the resources provided pursuant to chapter 216:

221 (10) Designate a subject matter expert for advanced air
 222 mobility, as defined in s. 332.15(2), within the department's
 223 aviation office. The advanced air mobility subject matter expert
 224 shall be:

225 (a) Located in the office of the department's district

226 that includes the City of Orlando.

227 (b) A resource for local jurisdictions navigating advances
 228 in aviation technology, including powered-lift aircraft as
 229 defined in s. 330.27, and electrification of aviation.

230 Section 5. Section 332.15, Florida Statutes, is created to
 231 read:

232 332.15 Advanced air mobility.—

233 (1) It is the intent of the Legislature to promote the
 234 development of powered-lift aircraft and vertiports that will
 235 provide residents and visitors of this state with access to
 236 advanced air mobility operations.

237 (2) As used in this section, the term:

238 (a) "Advanced air mobility" means an air transportation
 239 system primarily using powered-lift aircraft to carry passengers
 240 or cargo or to provide other services in an urban or regional
 241 setting.

242 (b) "Department" means the Department of Transportation.

243 (c) "Powered-lift aircraft" has the same meaning as in s.
 244 330.27.

245 (d) "Vertiport" has the same meaning as in s. 330.27.

246 (3) The department shall:

247 (a) Serve as a resource for local governments and
 248 developers and operators of powered-lift aircraft and
 249 vertiports.

250 (b) By December 31, 2024, and each year thereafter,

251 provide to the Governor, the President of the Senate, and the
252 Speaker of the House of Representatives a report describing all
253 of the following:

254 1. The status of the advanced air mobility industry
255 nationwide and of charging and fueling capabilities.

256 2. Current and proposed airports where advanced air
257 mobility operations are occurring or will occur.

258 3. Advances in aviation technology relating to advanced
259 air mobility.

260 4. The status of federal regulations relevant to powered-
261 lift aircraft and vertiports, including any updates since the
262 prior year's report to 14 C.F.R. part 77 or other relevant
263 federal regulations.

264 5. Recommendations for ways, including potential statutory
265 changes, to facilitate land use compatibility around vertiports.

266 6. Advanced air mobility best practices.

267 7. Recommendations for increased department personnel to
268 accommodate necessary inspections of advanced air mobility
269 operations.

270 8. Recommendations for ways, including potential statutory
271 changes, to incorporate advanced air mobility in the
272 department's Strategic Intermodal System.

273 9. Ways the department may use, promote, and further
274 advanced air mobility for the public good, including, but not
275 limited to, medical transportation, emergency services, law

276 enforcement, and disaster relief.

277 10. The future infrastructure needed to support and
 278 further advanced air mobility operations.

279 (4) The Greater Orlando Aviation Authority is designated
 280 as the advanced air mobility test site for this state.

281 Section 6. Paragraph (a) of subsection (2) of section
 282 333.03, Florida Statutes, is amended to read:

283 333.03 Requirement to adopt airport zoning regulations.—

284 (2) In the manner provided in subsection (1), political
 285 subdivisions shall adopt, administer, and enforce airport land
 286 use compatibility zoning regulations. Airport land use
 287 compatibility zoning regulations shall, at a minimum, consider
 288 the following:

289 ~~(a) The prohibition of new landfills and the restriction~~
 290 ~~of existing landfills within the following areas:~~

291 ~~1. Within 10,000 feet from the nearest point of any runway~~
 292 ~~used or planned to be used by turbine aircraft.~~

293 ~~2. Within 5,000 feet from the nearest point of any runway~~
 294 ~~used by only nonturbine aircraft.~~

295 ~~3. Outside the perimeters defined in subparagraphs 1. and~~
 296 ~~2., but still within the lateral limits of the civil airport~~
 297 ~~imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case~~
 298 ~~review of such landfills is advised.~~

299 Section 7. Subsection (1) of section 333.02, Florida
 300 Statutes, is amended to read:

301 333.02 Airport hazards and uses of land in airport
302 vicinities contrary to public interest.—

303 (1) It is hereby found that an airport hazard endangers
304 the lives and property of users of the airport and of occupants
305 of land in its vicinity and also, if of the obstruction type, in
306 effect reduces the size of the area available for the taking
307 off, maneuvering, or landing of aircraft, thus tending to
308 destroy or impair the utility of the airport and the public
309 investment therein. It is further found that certain activities
310 and uses of land ~~in the immediate vicinity of airports as~~
311 ~~enumerated in s. 333.03(2)~~ are not compatible with normal
312 airport operations, and may, if not regulated, also endanger the
313 lives of the participants, adversely affect their health, or
314 otherwise limit the accomplishment of normal activities.
315 Accordingly, it is hereby declared:

316 (a) That the creation or establishment of an airport
317 hazard and the incompatible use of land in airport vicinities
318 are public nuisances and injure the community served by the
319 airport in question;

320 (b) That it is therefore necessary in the interest of the
321 public health, public safety, and general welfare that the
322 creation or establishment of airport hazards and incompatible
323 land uses be prevented; and

324 (c) That this should be accomplished, to the extent
325 legally possible, by the exercise of the police power, without

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326 | compensation.

327 | Section 8. This act shall take effect October 1, 2024.