

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1005 Advanced Air Mobility

SPONSOR(S): Tourism, Infrastructure & Energy Subcommittee, Fischer

TIED BILLS: **IDEN./SIM. BILLS:** SB 728

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee	15 Y, 0 N, As CS	Neuffer	Keating
2) Infrastructure & Tourism Appropriations Subcommittee	12 Y, 0 N	Hicks	Davis
3) Commerce Committee			

SUMMARY ANALYSIS

The bill creates the Advanced Air Mobility Study Task Force (task force), adjunct to the Florida Department of Transportation (FDOT), to study the current state of development of the advanced air mobility industry and related laws, rules, regulations, and other requirements. The bill specifies the composition of the task force to include the FDOT secretary, or the secretary's designee, as the chair. The bill sets forth additional members to be on the task force, either by designation within the bill or by appointment of the Governor. Appointed members serve at the pleasure of the respective appointing authority. Members are entitled to reimbursement from the State Transportation Trust Fund for reasonable and necessary travel and per diem expenses incurred in the performance of their duties.

The FDOT must provide administrative support and facilities for the task force to perform its duties. The task force is directed to hold public hearings and receive public comment in locations throughout the state, or by electronic means, such as teleconference, and provide means for active participation. The committee must meet at the times and locations as the chair determines. Specifically, the task force must focus on:

- Assessment of the current state of development of the advanced air mobility industry, including the deployment of electric vertical take off and landing (eVTOL) aircraft, defined within the bill as a type of aircraft that uses electric power to hover, take off, and land vertically without a runway.
- Identification of federal, state, and local laws, rules, regulations, and other requirements that may impact the development of the advanced air mobility industry in the state, including the potential deployment of eVTOL aircraft and infrastructure.
- Recommendations for revisions to current state laws and regulations necessary to facilitate the continued development of the advanced air mobility industry and deployment of eVTOL aircraft and infrastructure in the state.
- The potential integration of advanced air mobility into local government transportation plans.

By October 1, 2023, the task force must submit its report of the findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives. Any additional material which the task force deems appropriate may also be included in the report. Upon submission of the report, the task force is abolished. The bill provides for its expiration on December 31, 2023.

The bill does not appear to have a fiscal impact on state or local government revenues or local government expenditures. The bill will have a negative, but likely insignificant, fiscal impact on the State Transportation Trust Fund. These costs can be absorbed within existing resources.

The bill has an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Electric vertical take off and landing (eVTOL) aircraft are a type of aircraft that use electric power to hover, take off, and land vertically without a runway. Their ability to maneuver in smaller spaces offers new opportunities for mobility. Additionally, eVTOL aircraft offer a reduced environmental impact and noise pollution when compared to other vertical take off and landing (VTOL) aircraft. eVTOL aircraft are large enough to carry passengers without conventional helicopter flight controls.¹ The aircraft uses electric propulsion to lift and move itself through the air. The current direction of the industry suggests the intended use of eVTOL aircraft for urban air mobility, drone delivery, and various industrial applications.²

At present, eVTOL aircraft remain in the developmental stage. The Federal Aviation Administration (FAA) has approved certain types of VTOL aircraft, such as helicopters, for commercial use. To date, no eVTOL aircraft have received final FAA approval. Agreements have been made between private entities and the FAA for G1 certification, which is the first step toward final approval.³ It is unclear when the first eVTOL will receive final FAA certification, with Joby Aviation claiming it still has “several years of aircraft testing ahead of [it].”⁴

One company, Lilium, has announced plans to build an eVTOL port in Lake Nona, Florida, with an estimated completion date of 2025.⁵ The City of Orlando has declared this site as the country’s first urban and regional air mobility network.⁶ Lilium’s goal is to connect more than 20 million Floridians within a 186-mile radius, serving several major cities, and create more than 100 jobs in the Orlando area with hundreds more following across the state. The company created a “vertiport” architecture for its newly proclaimed hub which it claims will offer functional and aesthetically unique characteristics that can easily be incorporated into existing transportation structures in both urban and suburban developments.⁷

Effect of the Bill

The bill creates the Advanced Air Mobility Study Task Force (task force), adjunct to the Florida Department of Transportation (FDOT), to study the advanced air mobility industry’s current state of development and related laws and regulations. Task force members are not provided compensation for their service, but are entitled to receive reimbursement for reasonable and necessary per diem and travel expenses pursuant to section 112.061, F.S.,⁸ payable from the State Transportation Trust Fund. The FDOT is charged with providing administrative support and facilities for the task force to perform its duties.

The task force is composed of the following members:

- The secretary of FDOT or the secretary’s designee, serving as chair of the task force.

¹ See Vertical Flight Society, <https://vtol.news/> (last visited January 21, 2022).

² See NASA, Fixed Wing Angle eVTOL, <https://technology.nasa.gov/patent/LAR-TOPS-338> (last visited January 21, 2022).

³ See Archer Aviation, FAA Approves G-1 Certification Basis for Archer, Propelling it Forward on its Path to FAA Type Certification, GlobeNewswire (September 7, 2021), <https://www.globenewswire.com/> (last visited January 20, 2022).

⁴ See Grace Nehls, *Joby Aviation accelerates eVTOL aircraft certification*, CompositesWorld (February 9, 2021), <https://www.compositesworld.com/news/joby-aviation-accelerates-evtol-aircraft-certification> (last visited January 21, 2022).

⁵ See Lilium, *Lilium partners with Tavistock development and City of Orlando to establish first region in the US*, <https://lilium.com/newsroom-detail/lilium-partners-with-tavistock-and-orlando> (last visited January 21, 2022).

⁶ *Id.*

⁷ *Id.*

⁸ See s. 112.061, F.S. (governing per diem and travel expenses of public officers, employees, and authorized persons).

- One member of the Senate, appointed by the Senate President.
- One member of the House of Representatives, 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.
- Fourteen members appointed by the Governor, including:
 - 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.
 - Two members representing the business community.
 - One member representing an organization in the state which advocates for persons with disabilities.
 - One member representing an organization in the state which 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 1 million persons.

All appointed members serve at the pleasure of the appointing authority.

The task force is directed to hold public hearings and receive public comment in locations throughout the state, or by electronic means, such as teleconference, and provide means for active participation. The committee must meet at the times and locations as the chair determines. Specifically, the task force must focus on:

- Assessment of the current state of development of the advanced air mobility industry, including the deployment of eVTOL aircraft, defined within the bill as a type of aircraft that uses electric power to hover, take off, and land vertically without a runway.
- Identification of federal, state, and local laws, rules, regulations, and other requirements that may impact the development of the advanced air mobility industry in the state, including the potential deployment of eVTOL aircraft and infrastructure.
- Recommendations for revisions to current state laws and regulations necessary to facilitate the continued development of the advanced air mobility industry and deployment of eVTOL aircraft and infrastructure in the state.
- The potential integration of advanced air mobility into local government transportation plans.

After completion of its review, but before October 1, 2023, the task force must submit a report of its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives. Any additional material which the task force deems appropriate may also be included in the report. Upon submission of the report, the task force is abolished. The bill provides for its expiration on December 31, 2023.

The bill provides an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1: Creates the Advanced Air Mobility Study Task Force; provides for membership and duties.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The FDOT will incur minor costs to provide staff, assistance, and facilities as deemed necessary for the task force to perform its duties. In addition, the bill authorizes FDOT to reimburse task force members for per diem and travel expenses incurred at the discretion of the chair. The task force has the option to hold public meetings by electronic means and receive public comments through a website or by mail in lieu of travel. Therefore, travel costs are indeterminate, but likely insignificant. The bill authorizes expenditures related to the task force to be paid from the State Transportation Trust Fund. The FDOT has indicated that these costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2022, the Tourism, Infrastructure & Energy Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies that task force members will be reimbursed from the State Transportation Trust Fund for reasonable and necessary travel and per diem expenses incurred in serving.
- Specifies that the Department of Transportation shall provide staff, assistance, and facilities as are deemed necessary for the task force.
- Clarifies that the chair of the task force will determine the time and location of meetings.
- Specifies that eVTOL aircraft are the focus of the task force and defines eVTOL.
- Clarifies the matters to be addressed by the task force.

This analysis is drafted to the committee substitute as approved by the Tourism, Infrastructure & Energy Subcommittee.