

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Trabulsy offered the following:

2
3 **Substitute Amendment for Amendment (236265) (with title**
4 **amendment)**

5 Remove lines 150-165 and insert:

6 Section 5. Subsection (7) of section 330.27, Florida
7 Statutes, is amended to read:

8 330.27 Definitions, when used in ss. 330.29-330.39.-

9 (7) "Temporary airport" means an any airport at which
10 flight operations are conducted under visual flight rules
11 established by the Federal Aviation Administration and which is
12 that will be used for a period of less than 30 consecutive days
13 with no more than 10 operations per day.

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14 Section 6. Subsection (1), paragraphs (a) and (c) of
15 subsection (2), and paragraph (e) of subsection (3) of section
16 330.30, Florida Statutes, are amended to read:

17 330.30 Approval of airport sites; registration and
18 licensure of airports.—

19 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
20 REVOCATION.—

21 (a) Except as provided in subsection (3), the owner or
22 lessee of a ~~any~~ proposed airport shall, before ~~prior to~~ site
23 acquisition or construction or establishment of the proposed
24 airport, obtain approval of the airport site from the
25 department. Applications for approval of a site shall be made in
26 a form and manner prescribed by the department. The department
27 shall grant the site approval if it is satisfied:

28 1. That the site has adequate area allocated for the
29 airport as proposed.

30 2. That the proposed airport will conform to licensing or
31 registration requirements and will comply with the applicable
32 local government land development regulations or zoning
33 requirements.

34 3. That all affected airports, local governments, and
35 property owners have been notified and any comments submitted by
36 them have been given adequate consideration.

37 4. That safe air-traffic patterns can be established for
38 the proposed airport with all existing airports and approved

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39 | airport sites in its vicinity.

40 | (b) Site approval shall be granted for a public airport
41 | ~~airports~~ only after a favorable department inspection of the
42 | proposed site.

43 | (c) Site approval shall be granted for a private airport
44 | ~~airports~~ only after receipt of documentation in a form and
45 | manner the department deems necessary to satisfy the conditions
46 | in paragraph (a).

47 | (d) Site approval shall be granted for a temporary airport
48 | only after receipt of documentation in a form and manner the
49 | department deems necessary to satisfy the conditions in
50 | paragraph (a). Such documentation must be included with the
51 | application for a temporary airport registration.

52 | (e) For the purpose of granting site approval, the
53 | department may not require an applicant to provide a written
54 | memorandum of understanding or letter of agreement with other
55 | airport sites regarding air traffic pattern separation
56 | procedures unless such memorandum or letter is required by the
57 | Federal Aviation Administration or is deemed necessary by the
58 | department.

59 | (f)-(d) Site approval may be granted subject to any
60 | reasonable conditions the department deems necessary to protect
61 | the public health, safety, or welfare.

62 | (g)-(e) Approval as a public airport or a private airport
63 | shall remain valid for 2 years after the date of issue, unless

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64 | revoked by the department or unless a public airport license is
65 | issued or a private airport registration is completed pursuant
66 | to subsection (2) before ~~prior to~~ the expiration date.

67 | ~~(h)(f)~~ The department may extend a public airport or
68 | private airport site approval for subsequent periods of 2 years
69 | per extension for good cause.

70 | ~~(i)(g)~~ The department may revoke an airport a site
71 | approval if it determines:

72 | 1. That the site has been abandoned as an airport site;

73 | 2. That the site has not been developed as an airport
74 | within a reasonable time period or development does not comply
75 | with the conditions of the site approval;

76 | 3. That, except as required for in-flight emergencies,
77 | aircraft have operated on the site; or

78 | 4. That the site is no longer usable for aviation purposes
79 | due to physical or legal changes in conditions that were the
80 | subject of the approval granted.

81 | (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL,
82 | REVOCATION.—

83 | (a) Except as provided in subsection (3), the owner or
84 | lessee of an ~~any~~ airport in this state shall have ~~either~~ a
85 | public airport license, ~~or~~ private airport registration, or
86 | temporary airport registration before ~~prior to~~ the operation of
87 | aircraft to or from the airport ~~facility~~. Application for a
88 | license or registration shall be made in a form and manner

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89 prescribed by the department. ~~Upon granting site approval:~~

90 1. For a public airport, upon granting site approval, the
91 department shall issue a license after a final airport
92 inspection finds the airport facility to be in compliance with
93 all requirements for the license. The license may be subject to
94 any reasonable conditions ~~that~~ the department deems ~~may deem~~
95 necessary to protect the public health, safety, or welfare.

96 2. For a private airport, upon granting site approval, the
97 department shall provide controlled electronic access to the
98 state aviation facility data system to permit the applicant to
99 complete the registration process. Registration shall be
100 completed upon self-certification by the registrant of
101 operational and configuration data deemed necessary by the
102 department.

103 3. For a temporary airport, the department must publish
104 notice of receipt of a completed registration application in the
105 next available publication of the Florida Administrative
106 Register and may not approve a registration application less
107 than 14 days after the date of publication of the notice. The
108 department must approve or deny a registration application
109 within 30 days after receipt of a completed application and must
110 issue the temporary airport registration concurrent with the
111 airport site approval. A completed registration application that
112 is not approved or denied within 30 days after the department
113 receives the completed application is considered approved and

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114 shall be issued, subject to such reasonable conditions as are
115 authorized by law. An applicant seeking to claim registration by
116 default under this subparagraph must notify the agency clerk of
117 the department, in writing, of the intent to rely upon the
118 default registration provision of this subparagraph and may not
119 take any action based upon the default registration until after
120 receipt of such notice by the agency clerk.

121 ~~(c) The department may license a public airport or a~~
122 ~~private airport may register as a temporary airport provided~~
123 ~~that the airport will not endanger the public health, safety, or~~
124 ~~welfare and the airport meets the temporary airport requirements~~
125 ~~established by the department. A temporary airport license or~~
126 ~~registration shall be valid for less than 30 days and is not~~
127 ~~renewable. The department may not approve a subsequent temporary~~
128 ~~airport registration application for the same general location~~
129 ~~if the purpose or effect is to evade otherwise applicable~~
130 ~~airport permitting or licensure requirements.~~

131 (3) EXEMPTIONS.—The provisions of this section do not
132 apply to:

133 (e) An airport ~~which meets the criteria of s. 330.27(7)-~~
134 ~~used exclusively for aerial application or spraying of crops on~~
135 ~~a seasonal basis, not to include any licensed airport where~~
136 ~~permanent crop aerial application or spraying facilities are~~
137 ~~installed, if the period of operation does not exceed 30 days~~
138 ~~per calendar year and the frequency of operations does not~~

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139 exceed 10 operations per day. Such proposed airports, which will
 140 be located within 3 miles of existing airports or approved
 141 airport sites, shall establish safe air-traffic patterns with
 142 such existing airports or approved airport sites, by memorandums
 143 of understanding, or by letters of agreement between the parties
 144 representing the airports or sites.

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T I T L E A M E N D M E N T

148 Remove lines 26-30 and insert:
 149 system; amending s. 330.27, F.S.; revising the
 150 definition of the term "temporary airport"; amending
 151 s. 330.30, F.S.; requiring certain documentation to be
 152 submitted to the Department of Transportation for
 153 temporary airport site approval and temporary airport
 154 registration; requiring a temporary airport to obtain
 155 registration before operation of aircraft to or from
 156 the airport; prohibiting the department from requiring
 157 that an applicant for airport site approval provide a
 158 written memorandum of understanding or letter of
 159 agreement with other airport sites except under
 160 specified circumstances; requiring the department to
 161 publish certain notice of receipt of a temporary
 162 airport registration application; specifying the
 163 period during which such application may be approved

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164 or denied; requiring the department to issue
165 registration concurrent with site approval; providing
166 that certain registrations are considered approved
167 under specified conditions; requiring written notice
168 to the department's agency clerk before an applicant
169 takes action based on such default registration;
170 removing a condition for licensure or registration as
171 a temporary airport; prohibiting approval of
172 subsequent registration applications under certain
173 circumstances; revising an exemption from certain
174 provisions for an airport used for aerial application
175 or spraying of crops;

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