

By the Committees on Fiscal Policy; and Transportation; and
Senators DiCeglie and Perry

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1 A bill to be entitled
2 An act relating to temporary airports; amending s.
3 330.27, F.S.; revising the definition of the term
4 "temporary airport"; amending s. 330.30, F.S.;
5 requiring that certain documentation be submitted to
6 the Department of Transportation for a public
7 temporary airport or private temporary airport site
8 approval order; requiring a public temporary airport
9 to obtain a license and a private temporary airport to
10 obtain registration before operation of aircraft to or
11 from the airport; requiring the department to publish
12 certain notice of intent to approve or deny an
13 application for a public temporary airport or private
14 temporary airport site approval order; specifying the
15 period during which such application may be approved
16 or denied; deeming public temporary airport licensure
17 or private temporary airport registration complete if
18 the department grants site approval; requiring the
19 department to issue a public temporary airport license
20 or private temporary airport registration concurrent
21 with airport site approval; removing a condition for
22 licensure or registration as a temporary airport;
23 prohibiting the department from approving subsequent
24 applications for a public temporary airport or private
25 temporary airport site approval order under certain
26 circumstances; revising an exemption from certain
27 provisions for an airport used for aerial application
28 or spraying of crops; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (7) of section 330.27, Florida
33 Statutes, is amended to read:

34 330.27 Definitions, when used in ss. 330.29-330.39.—

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

40 Section 2. Subsection (1), paragraphs (a) and (c) of
41 subsection (2), and paragraph (e) of subsection (3) of section
42 330.30, Florida Statutes, are amended to read:

43 330.30 Approval of airport sites; registration and
44 licensure of airports.—

45 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
46 REVOCATION.—

47 (a) Except as provided in subsection (3), the owner or
48 lessee of a any proposed airport shall, before ~~prior to~~ site
49 acquisition or construction or establishment of the proposed
50 airport, obtain approval of the airport site from the
51 department. Applications for approval of a site shall be made in
52 a form and manner prescribed by the department. The department
53 shall grant the site approval if it is satisfied:

54 1. That the site has adequate area allocated for the
55 airport as proposed.

56 2. That the proposed airport will conform to licensing or
57 registration requirements and will comply with the applicable
58 local government land development regulations or zoning

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59 requirements.

60 3. That all affected airports, local governments, and
61 property owners have been notified and any comments submitted by
62 them have been given adequate consideration.

63 4. That safe air-traffic patterns can be established for
64 the proposed airport with all existing airports and approved
65 airport sites in its vicinity.

66 (b) Site approval shall be granted for a public airport
67 ~~airports~~ only after a favorable department inspection of the
68 proposed site.

69 (c) Site approval shall be granted for a private airport
70 ~~airports~~ only after receipt of documentation in a form and
71 manner the department deems necessary to satisfy the conditions
72 in paragraph (a).

73 (d) Site approval shall be granted for a public temporary
74 airport or private temporary airport only after receipt of
75 documentation in a form and manner the department deems
76 necessary to satisfy the conditions in paragraph (a). Such
77 documentation must be included with the application for a public
78 temporary airport or private temporary airport site approval
79 order.

80 (e)~~(d)~~ Site approval may be granted subject to any
81 reasonable conditions the department deems necessary to protect
82 the public health, safety, or welfare.

83 (f)~~(e)~~ Approval as a public airport or a private airport
84 shall remain valid for 2 years after the date of issue, unless
85 revoked by the department or unless a public airport license is
86 issued or a private airport registration is completed pursuant
87 to subsection (2) before ~~prior to~~ the expiration date.

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88 (g)~~(f)~~ The department may extend a public airport or
 89 private airport site approval for subsequent periods of 2 years
 90 per extension for good cause.

91 (h)~~(g)~~ The department may revoke an airport ~~a~~ site approval
 92 if it determines:

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

94 2. That the site has not been developed as an airport
 95 within a reasonable time period or development does not comply
 96 with the conditions of the site approval;

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

99 4. That the site is no longer usable for aviation purposes
 100 due to physical or legal changes in conditions that were the
 101 subject of the approval granted.

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

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

112 1. For a public airport, upon granting site approval, the
 113 department shall issue a license after a final airport
 114 inspection finds the airport facility to be in compliance with
 115 all requirements for the license. The license may be subject to
 116 any reasonable conditions ~~that~~ the department deems ~~may deem~~

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117 necessary to protect the public health, safety, or welfare.

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

125 3. For an application for a public temporary airport or
126 private temporary airport site approval order, upon receipt of a
127 completed application, the department must publish a notice of
128 intent to approve or deny the application in the next available
129 publication of the Florida Administrative Register. The notice
130 must inform the recipient of any administrative hearing that is
131 available, indicate the procedure that must be followed to
132 obtain the hearing, and state that a request for hearing must be
133 submitted no later than 14 days after the date of publication.
134 The department may not approve or deny an application sooner
135 than 14 days after the date of publication. The department must
136 approve or deny an application no later than 30 days after the
137 date of publication, unless a hearing is requested by a person
138 whose substantial interests will be determined or affected by
139 the pending public temporary airport or private temporary
140 airport site approval order. If site approval is granted,
141 licensure of the public temporary airport or registration of the
142 private temporary airport is deemed complete, and the department
143 must issue the public temporary airport license or private
144 temporary airport registration concurrent with the airport site
145 approval.

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146 (c) ~~The department may license a public airport or a~~
147 ~~private airport may register as a temporary airport provided~~
148 ~~that the airport will not endanger the public health, safety, or~~
149 ~~welfare and the airport meets the temporary airport requirements~~
150 ~~established by the department.~~ A temporary airport license or
151 registration shall be valid for less than 30 days and is not
152 renewable. The department may not approve a subsequent
153 application for a public temporary airport or private temporary
154 airport site approval order for the same general location if the
155 purpose or effect of such order is to evade otherwise applicable
156 airport permitting, licensure, or registration requirements.

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

159 (e) An airport ~~which meets the criteria of s. 330.27(7)~~
160 used exclusively for aerial application or spraying of crops on
161 a seasonal basis, not to include any licensed airport where
162 permanent crop aerial application or spraying facilities are
163 installed, if the period of operation does not exceed 30 days
164 per calendar year and the frequency of operations does not
165 exceed 10 operations per day. Such proposed airports, which will
166 be located within 3 miles of existing airports or approved
167 airport sites, shall establish safe air-traffic patterns with
168 such existing airports or approved airport sites, by memorandums
169 of understanding, or by letters of agreement between the parties
170 representing the airports or sites.

171 Section 3. This act shall take effect July 1, 2023.