

By the Committee on Transportation; and Senator Harrell

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1 A bill to be entitled
2 An act relating to aviation; amending s. 332.004,
3 F.S.; revising and providing definitions; amending s.
4 332.006, F.S.; revising requirements for the statewide
5 aviation system plan developed by the Department of
6 Transportation; conforming a cross-reference; creating
7 s. 332.0071, F.S.; providing duties of the department,
8 subject to funding, with respect to vertiports,
9 electric aviation, and other advances in aviation
10 technology; amending ss. 196.012, 206.46, 212.08,
11 332.003, 334.01, 334.27, and 339.08, F.S.; conforming
12 cross-references and provisions to changes made by the
13 act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 332.004, Florida Statutes, is amended to
18 read:

19 332.004 Definitions of terms used in ss. 332.003-332.0071
20 ~~ss. 332.003-332.007.~~—As used in ss. 332.003-332.0071 ~~ss.~~
21 ~~332.003-332.007~~, the term:

22 (1) "Airport" means any area of land or water, or any
23 manmade object or facility located therein, which is used, or
24 intended for public use, for the landing and takeoff of
25 aircraft, and any appurtenant areas which are used, or intended
26 for public use, for airport buildings or other airport
27 facilities or rights-of-way.

28 (2) "Airport hazard" means any structure or object of
29 natural growth located on or in the vicinity of a public-use

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30 airport, or any use of land near such airport, which obstructs
31 or causes an obstruction to the airspace required for the flight
32 of aircraft in landing or taking off at such airport or is
33 otherwise hazardous to landing or taking off at such airport.

34 (3) "Airport master planning" means the development, for
35 planning purposes, of information and guidance to determine the
36 extent, type, and nature of development needed at a specific
37 airport.

38 (4) "Airport or aviation development project" or
39 "development project" means any activity associated with the
40 design, construction, purchase, improvement, or repair of a
41 public-use airport or portion thereof, including, but not
42 limited to: the purchase of equipment; the acquisition of land,
43 including land required as a condition of a federal, state, or
44 local permit or agreement for environmental mitigation; off-
45 airport noise mitigation projects; the removal, lowering,
46 relocation, marking, and lighting of airport hazards; the
47 installation of navigation aids used by aircraft in landing at
48 or taking off from a public airport; the installation of safety
49 equipment required by rule or regulation for certification of
50 the airport under s. 612 of the Federal Aviation Act of 1958,
51 and amendments thereto; ~~and~~ the improvement of access to the
52 airport by road or rail system which is on airport property and
53 which is consistent, to the maximum extent feasible, with the
54 approved local government comprehensive plan of the units of
55 local government in which the airport is located; the design,
56 construction, purchase, or improvement of a vertiport; and the
57 design, construction, or purchase of equipment needed for
58 aircraft charging.

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59 (5) "Airport or aviation discretionary capacity improvement
60 projects" or "discretionary capacity improvement projects" means
61 capacity improvements which are consistent, to the maximum
62 extent feasible, with the approved local government
63 comprehensive plans of the units of local government in which
64 the airport is located, and which enhance intercontinental
65 capacity at airports which:

66 (a) Are international airports with United States Bureau of
67 Customs and Border Protection;

68 (b) Had one or more regularly scheduled intercontinental
69 flights during the previous calendar year or have an agreement
70 in writing for installation of one or more regularly scheduled
71 intercontinental flights upon the commitment of funds for
72 stipulated airport capital improvements; and

73 (c) Have available or planned public ground transportation
74 between the airport and other major transportation facilities.

75 (6) "Aviation system planning" means the development of
76 comprehensive aviation plans designed to achieve and facilitate
77 the establishment of a statewide, integrated aviation system in
78 order to meet the current and future aviation needs of this
79 state.

80 (7) "Eligible agency" means a political subdivision of the
81 state or an authority which owns or seeks to develop a public-
82 use airport.

83 (8) "Federal aid" means funds made available from the
84 Federal Government for the accomplishment of airport or aviation
85 development projects.

86 (9) "Florida airport system" means all existing public-use
87 airports that are owned and operated within the state and those

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88 public-use airports which will be developed and made operational
89 in the future.

90 (10) "Landing area" means that area used or intended to be
91 used for the landing, takeoff, or surface maneuvering of an
92 aircraft.

93 (11) "Planning agency" means any agency authorized by the
94 laws of the state or by a political subdivision to engage in
95 area planning for the areas in which assistance under this act
96 is contemplated.

97 (12) "Powered-lift aircraft" means a heavier-than-air
98 aircraft capable of vertical takeoff, vertical landing, and low-
99 speed flight which depends principally on engine-driven lift
100 devices or engine thrust for lift during such flight regimes and
101 on nonrotating airfoils for lift during horizontal flight.

102 (13) "Project" means a project for the accomplishment of
103 airport or aviation development or airport master planning.

104 ~~(14)-(13)~~ "Project cost" means any cost involved in
105 accomplishing a project.

106 ~~(15)-(14)~~ "Public-use airport" means any publicly owned
107 airport which is used or to be used for public purposes.

108 ~~(16)-(15)~~ "Sponsor" means any eligible agency which, either
109 individually or jointly with one or more eligible agencies,
110 submits to the department an application for financial
111 assistance for an airport development project in accordance with
112 this act.

113 (17) "Vertiport" means an area of land or water or a
114 structure used or intended to be used as a landing facility,
115 similar to an airport or a mass transit facility, with charging
116 stations for aircraft, restrooms, and accessibility in

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117 compliance with the Americans with Disabilities Act, for the
118 transport of goods or passenger service and for the landing or
119 takeoff of powered-lift aircraft capable of vertical takeoff and
120 landing.

121 Section 2. Subsections (1) and (6) of section 332.006,
122 Florida Statutes, are amended to read:

123 332.006 Duties and responsibilities of the Department of
124 Transportation.—The Department of Transportation shall, within
125 the resources provided pursuant to chapter 216:

126 (1) Provide coordination and assistance for the development
127 of a viable aviation system in this state. To support the
128 system, a statewide aviation system plan shall be developed and
129 periodically updated which summarizes 5-year, 10-year, and 20-
130 year airport and aviation needs within the state. The statewide
131 aviation system plan shall be consistent with the goals of the
132 Florida Transportation Plan developed pursuant to s. 339.155.
133 The statewide aviation system plan must also address the need
134 for vertiports, electric aviation charging, and other advances
135 in aviation technology. The statewide aviation system plan does
136 ~~shall~~ not preempt local airport master plans adopted in
137 compliance with federal and state requirements.

138 (6) Administer department participation in the program of
139 aviation and airport grants as provided for in ss. 332.003-
140 332.0071 ~~ss. 332.003-332.007.~~

141 Section 3. Section 332.0071, Florida Statutes, is created
142 to read:

143 332.0071 Vertiport and electric aviation planning.—The
144 Department of Transportation shall, within the resources
145 provided pursuant to chapter 216:

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146 (1) Address the need for vertiports, electric aviation
147 charging, and the needs of other advances in aviation technology
148 in the statewide aviation system plan as required under s.
149 332.006(1) and, as appropriate, in the department's work
150 program.

151 (2) Designate a subject matter expert on advanced air
152 mobility (AAM) within the department to serve as a resource for
153 local jurisdictions navigating advances in aviation technology,
154 including electric powered-lift aircraft and electric aviation.

155 (3) Lead a statewide education campaign for local officials
156 to provide education on the benefits of electric powered-lift
157 aircraft and advances in aviation technology and to support the
158 efforts to make this state a leader in aviation technology.

159 (4) Provide local jurisdictions with a guidebook and
160 technical resources to support uniform planning and zoning
161 language across the state related to powered-lift aircraft,
162 electric aviation, and other advances in aviation technology.

163 (5) Conduct a review of airport hazard zone regulations
164 and, as needed, make recommendations to the Legislature
165 proposing any changes to regulations as a result of the review.

166 Section 4. Subsection (6) of section 196.012, Florida
167 Statutes, is amended to read:

168 196.012 Definitions.—For the purpose of this chapter, the
169 following terms are defined as follows, except where the context
170 clearly indicates otherwise:

171 (6) Governmental, municipal, or public purpose or function
172 shall be deemed to be served or performed when the lessee under
173 any leasehold interest created in property of the United States,
174 the state or any of its political subdivisions, or any

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175 municipality, agency, special district, authority, or other
176 public body corporate of the state is demonstrated to perform a
177 function or serve a governmental purpose which could properly be
178 performed or served by an appropriate governmental unit or which
179 is demonstrated to perform a function or serve a purpose which
180 would otherwise be a valid subject for the allocation of public
181 funds. For purposes of the preceding sentence, an activity
182 undertaken by a lessee which is permitted under the terms of its
183 lease of real property designated as an aviation area on an
184 airport layout plan which has been approved by the Federal
185 Aviation Administration and which real property is used for the
186 administration, operation, business offices and activities
187 related specifically thereto in connection with the conduct of
188 an aircraft full service fixed base operation which provides
189 goods and services to the general aviation public in the
190 promotion of air commerce shall be deemed an activity which
191 serves a governmental, municipal, or public purpose or function.
192 Any activity undertaken by a lessee which is permitted under the
193 terms of its lease of real property designated as a public-use
194 ~~public~~ airport as defined in s. 332.004 ~~s. 332.004(14)~~ by
195 municipalities, agencies, special districts, authorities, or
196 other public bodies corporate and public bodies politic of the
197 state, a spaceport as defined in s. 331.303, or which is located
198 in a deepwater port identified in s. 403.021(9)(b) and owned by
199 one of the foregoing governmental units, subject to a leasehold
200 or other possessory interest of a nongovernmental lessee that is
201 deemed to perform an aviation, airport, aerospace, maritime, or
202 port purpose or operation shall be deemed an activity that
203 serves a governmental, municipal, or public purpose. The use by

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204 a lessee, licensee, or management company of real property or a
205 portion thereof as a convention center, visitor center, sports
206 facility with permanent seating, concert hall, arena, stadium,
207 park, or beach is deemed a use that serves a governmental,
208 municipal, or public purpose or function when access to the
209 property is open to the general public with or without a charge
210 for admission. If property deeded to a municipality by the
211 United States is subject to a requirement that the Federal
212 Government, through a schedule established by the Secretary of
213 the Interior, determine that the property is being maintained
214 for public historic preservation, park, or recreational purposes
215 and if those conditions are not met the property will revert
216 back to the Federal Government, then such property shall be
217 deemed to serve a municipal or public purpose. The term
218 "governmental purpose" also includes a direct use of property on
219 federal lands in connection with the Federal Government's Space
220 Exploration Program or spaceport activities as defined in s.
221 212.02(22). Real property and tangible personal property owned
222 by the Federal Government or Space Florida and used for defense
223 and space exploration purposes or which is put to a use in
224 support thereof shall be deemed to perform an essential national
225 governmental purpose and shall be exempt. "Owned by the lessee"
226 as used in this chapter does not include personal property,
227 buildings, or other real property improvements used for the
228 administration, operation, business offices and activities
229 related specifically thereto in connection with the conduct of
230 an aircraft full service fixed based operation which provides
231 goods and services to the general aviation public in the
232 promotion of air commerce provided that the real property is

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233 designated as an aviation area on an airport layout plan
234 approved by the Federal Aviation Administration. For purposes of
235 determination of "ownership," buildings and other real property
236 improvements which will revert to the airport authority or other
237 governmental unit upon expiration of the term of the lease shall
238 be deemed "owned" by the governmental unit and not the lessee.
239 Providing two-way telecommunications services to the public for
240 hire by the use of a telecommunications facility, as defined in
241 s. 364.02(14), and for which a certificate is required under
242 chapter 364 does not constitute an exempt use for purposes of s.
243 196.199, unless the telecommunications services are provided by
244 the operator of a public-use airport, as defined in s. 332.004,
245 for the operator's provision of telecommunications services for
246 the airport or its tenants, concessionaires, or licensees, or
247 unless the telecommunications services are provided by a public
248 hospital.

249 Section 5. Subsection (3) of section 206.46, Florida
250 Statutes, is amended to read:

251 206.46 State Transportation Trust Fund.—

252 (3) Each fiscal year, a minimum of 15 percent of all state
253 revenues deposited into the State Transportation Trust Fund
254 shall be committed annually by the department for public
255 transportation projects in accordance with chapter 311, ss.
256 332.003-332.0071 ~~ss. 332.003-332.007~~, chapter 341, and chapter
257 343.

258 Section 6. Paragraph (zz) of subsection (7) of section
259 212.08, Florida Statutes, is amended to read:

260 212.08 Sales, rental, use, consumption, distribution, and
261 storage tax; specified exemptions.—The sale at retail, the

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262 rental, the use, the consumption, the distribution, and the
263 storage to be used or consumed in this state of the following
264 are hereby specifically exempt from the tax imposed by this
265 chapter.

266 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
267 entity by this chapter do not inure to any transaction that is
268 otherwise taxable under this chapter when payment is made by a
269 representative or employee of the entity by any means,
270 including, but not limited to, cash, check, or credit card, even
271 when that representative or employee is subsequently reimbursed
272 by the entity. In addition, exemptions provided to any entity by
273 this subsection do not inure to any transaction that is
274 otherwise taxable under this chapter unless the entity has
275 obtained a sales tax exemption certificate from the department
276 or the entity obtains or provides other documentation as
277 required by the department. Eligible purchases or leases made
278 with such a certificate must be in strict compliance with this
279 subsection and departmental rules, and any person who makes an
280 exempt purchase with a certificate that is not in strict
281 compliance with this subsection and the rules is liable for and
282 shall pay the tax. The department may adopt rules to administer
283 this subsection.

284 (zz) *People-mover systems*.—People-mover systems, and parts
285 thereof, which are purchased or manufactured by contractors
286 employed either directly by or as agents for the United States
287 Government, the state, a county, a municipality, a political
288 subdivision of the state, or the public operator of a public-use
289 airport as defined by s. 332.004 ~~s. 332.004(14)~~ are exempt from
290 the tax imposed by this chapter when the systems or parts go

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291 into or become part of publicly owned facilities. In the case of
292 contractors who manufacture and install such systems and parts,
293 this exemption extends to the purchase of component parts and
294 all other manufacturing and fabrication costs. The department
295 may provide a form to be used by contractors to provide to
296 suppliers of people-mover systems or parts to certify the
297 contractors' eligibility for the exemption provided under this
298 paragraph. As used in this paragraph, "people-mover systems"
299 includes wheeled passenger vehicles and related control and
300 power distribution systems that are part of a transportation
301 system for use by the general public, regardless of whether such
302 vehicles are operator-controlled or driverless, self-propelled
303 or propelled by external power and control systems, or conducted
304 on roads, rails, guidebeams, or other permanent structures that
305 are an integral part of such transportation system. "Related
306 control and power distribution systems" includes any electrical
307 or electronic control or signaling equipment, but does not
308 include the embedded wiring, conduits, or cabling used to
309 transmit electrical or electronic signals among such control
310 equipment, power distribution equipment, signaling equipment,
311 and wheeled vehicles.

312 Section 7. Section 332.003, Florida Statutes, is amended to
313 read:

314 332.003 Florida Airport Development and Assistance Act;
315 short title.—Sections 332.003-332.0071 ~~332.003-332.007~~ may be
316 cited as the "Florida Airport Development and Assistance Act."

317 Section 8. Section 334.01, Florida Statutes, is amended to
318 read:

319 334.01 Florida Transportation Code; short title.—Chapters

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320 334-339, 341, 348, and 349 and ss. 332.003-332.0071 ~~ss. 332.003-~~
321 ~~332.007~~, 351.35, 351.36, 351.37, and 861.011 may be cited as the
322 "Florida Transportation Code."

323 Section 9. Subsection (1) of section 334.27, Florida
324 Statutes, is amended to read:

325 334.27 Governmental transportation entities; property
326 acquired for transportation purposes; limitation on soil or
327 groundwater contamination liability.—

328 (1) For the purposes of this section, the term
329 "governmental transportation entity" means the department; an
330 authority created pursuant to chapter 343, chapter 348, or
331 chapter 349; airports as defined in s. 332.004 ~~s. 332.004(14)~~; a
332 port enumerated in s. 311.09(1); a county; or a municipality.

333 Section 10. Paragraph (d) of subsection (1) of section
334 339.08, Florida Statutes, is amended to read:

335 339.08 Use of moneys in State Transportation Trust Fund.—

336 (1) The department shall expend moneys in the State
337 Transportation Trust Fund accruing to the department, in
338 accordance with its annual budget. The use of such moneys shall
339 be restricted to the following purposes:

340 (d) To pay the cost of public transportation projects in
341 accordance with chapter 341 and ss. 332.003-332.0071 ~~ss.~~
342 ~~332.003-332.007~~.

343 Section 11. This act shall take effect July 1, 2024.