

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1362

INTRODUCER: Transportation Committee and Senator Harrell

SUBJECT: Advanced Air Mobility

DATE: February 17, 2026      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1362 may be cited as the Advanced Air Mobility Competitiveness and Infrastructure Act. The bill includes the following provisions:

- Defines the term “vertiport.”
- Amends the definition of the term “qualifying projects” for purposes of public-private partnerships to include vertiports and charging stations.
- Provides sovereign immunity to vertiports collocated at public airports to the same extent as is currently applicable to the public airport operator.
- Incorporates vertiport-related infrastructure into commercial service airport infrastructure preservation programs.
- Authorizes the Florida Department of Transportation (FDOT) to fund vertiport projects.
- Requires the FDOT to create a model vertiport siting code, establish vertiport demonstration corridors, and adopt rules for coordinating among various entities with respect to vertiports.
- Requires the FDOT to expeditiously approve vertiports adopting the model siting code.
- Preempts to the state the regulation of vertiport design, aeronautical operation, and aviation safety.
- Preempts to the state the regulation of electric aircraft charging stations and associated infrastructure.
- Requires local governmental entities to review certain permits for electric aircraft charging stations and provides an application for such a permit is deemed approved if certain action is not taken within 15 days.

The bill has an indeterminate fiscal impact on private and governmental sectors. See Section V., Fiscal Impact Section.

This bill takes effect July 1, 2026.

## II. Present Situation:

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

## III. Effect of Proposed Changes:

### Short Title (Section 1)

The bill creates the Advanced Air Mobility Competitiveness and Infrastructure Act.

### Advanced Air Mobility

Federal law defines the term “Advanced Air Mobility” (AAM) as a transportation system that transports people and property by air between two points in the United States using aircraft with advanced technologies, including electric aircraft or electric vertical take-off and landing aircraft, in controlled and uncontrolled airspace.<sup>1</sup>

AAM encompasses new technologies and business models designed to enable small, low-altitude aircraft operations at increasing scale and decreasing cost. It introduces new aircraft designs, including manned and unmanned aircraft with novel flight characteristics, control schemes, modes of operation and propulsion sources, that can fly quietly and efficiently.<sup>2</sup> AAM also includes air traffic management solutions to manage high volumes of aircraft safely, securely, and efficiently at low altitudes. Finally, AAM incorporates new and modified infrastructure that integrates flight networks into the hearts of communities.<sup>3</sup>

The Florida Department of Transportation (FDOT) is laying the groundwork to build an intercity AAM “Aerial Highway Network” connecting major metropolitan areas across Florida.<sup>4</sup> In addition to performing research and development at its SunTrax test facility, the FDOT is developing custom curriculums to establish unique requirements for licensing to safely operate within the AAM Network.<sup>5</sup>

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<sup>1</sup> United States Department of Transportation (USDOT), *The Advanced Air Mobility National Strategy, A Bold Policy Vision for 2026-2036*, December 17, 2025, p. 1. Available at: [https://www.transportation.gov/sites/dot.gov/files/2025-12/AAM%20National%20Strategy%202025\\_508c\\_251201.pdf](https://www.transportation.gov/sites/dot.gov/files/2025-12/AAM%20National%20Strategy%202025_508c_251201.pdf) (last visited January 12, 2026).

<sup>2</sup> *Id.*

<sup>3</sup> SunTrax Air, <https://suntraxfl.com/suntrax-air/> (last visited January 28, 2026).

<sup>4</sup> Florida Department of Transportation, *From the Ground to the Skies: Florida’s Aerial Highway Network*, November 2025. Available at [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/aam/fdot-2025-advanced-mobility\\_strategy.pdf?sfvrsn=19eb551c\\_1](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/aam/fdot-2025-advanced-mobility_strategy.pdf?sfvrsn=19eb551c_1) (last visited January 28, 2026).

<sup>5</sup> *Id.*

SunTrax, the FDOT’s research facility in Polk County, has been designated as the research and development testing hub of the Florida’s AAM program.<sup>6</sup> Early development phases of vertiport demonstration will consist of a passenger terminal, at-grade vertiports, access roads with vehicle staging, eVTOL parking positions and charging station, and research and development hangar.<sup>7</sup>

## **Vertiport Definition (Section 6)**

### ***Present Situation***

Generally, a vertiport is an area of land, water, or structure used, or intended to be used, to support the landing, takeoff, taxiing, parking, and storage of powered-lift aircraft or other aircraft that vertiport design and performance standards established by the FAA can accommodate.<sup>8</sup>

For the purposes of the Supply Chain Innovation Grant Program,<sup>9</sup> the term “vertiport” is defined to mean a system or infrastructure with supporting services and equipment used for landing, ground handling, and takeoff of manned or unmanned vertical takeoff and landing aircraft.<sup>10</sup>

### ***Effect of Proposed Changes***

The bill creates s. 332.151(1), F.S. to define the term “vertiport” to mean an area of land, a body of water, or a structure used or intended to be used for the landing, takeoff, and surface maneuvering of vertical takeoff and landing aircraft, including electric, hybrid, or hydrogen-powered aircraft. The term includes associated buildings, facilities, and infrastructure necessary for the safe and efficient operation of such aircraft, including, but not limited to, electric charging and fueling systems, battery thermal management infrastructure, safety areas, and passenger terminals.

## **Public Private Partnerships (Section 2)**

### ***Present Situation***

Section 255.065, F.S., authorizes public-private partnerships between a responsible public entity<sup>11</sup> and a private entity<sup>12</sup> for a qualifying project. That statute provides requirements for project approval and agreements related to the partnership. For purposes of these partnerships, the term “qualifying project” is defined to mean:

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<sup>6</sup> Central Florida Development Council, SunTrax Named Florida’s Home for Advanced Air Mobility, Positioning Polk as Statewide Innovation Leader, November 18, 2025. <https://www.cfdc.org/suntrax-named-floridas-home-for-advanced-air-mobility-positioning-polk-as-statewide-innovation-leader/> (last visited January 28, 2026).

<sup>7</sup> SunTrax Air, <https://suntraxfl.com/suntrax-air/> (last visited January 28, 2026).

<sup>8</sup> Federal Aviation Administration, *Advanced Air Mobility Infrastructure*, [https://www.faa.gov/airports/new\\_entrants/aam\\_infrastructure](https://www.faa.gov/airports/new_entrants/aam_infrastructure) (last visited Jan. 27, 2026).

<sup>9</sup> The Supply Chain Innovation Grant Program is administered by the Florida Department of Commerce.

<sup>10</sup> Section 288.102(3)(d), F.S.

<sup>11</sup> Section 255.065(1)(j), F.S., defines the term “responsible public entity” to mean a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.

<sup>12</sup> Section 255.065(1)(g), F.S., defines the term “private entity” to mean any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity.

- A facility or project that serves a public purpose, including any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;
- An improvement of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;
- A water, wastewater, or surface water management facility or other related infrastructure; or
- For projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects.<sup>13</sup>

### ***Effect of Proposed Changes***

The bill amends s. 255.065(1)(i), F.S., to add vertiports and charging systems to the definition of the term of “qualifying project” for purposes of public-private partnerships.

### **Sovereign Immunity for Certain Public Vertiport Operators (Section 3)**

#### ***Present Situation***

##### *Civil Tort Action*

One of the goals of the civil justice system is to redress tortious conduct, or “torts.” A tort is a wrong for which the law provides a remedy. Torts are generally divided into two categories, as follows:

- An intentional tort, examples of which include an assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the party seeking the remedy, the “plaintiff,” must demonstrate that the:
  - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks.
  - Defendant breached his or her duty of care by failing to conform to the required standard.
  - Defendant’s breach caused the plaintiff to suffer an injury.
  - Plaintiff suffered actual damage or loss resulting from such injury.<sup>14</sup>

##### *Sovereign Immunity*

Sovereign immunity is a principle under which a government cannot be sued without its consent.<sup>15</sup> Article X, s. 13 of the Florida Constitution allows the Legislature to waive this

<sup>13</sup> Section 255.065(1)(i), F.S.

<sup>14</sup> *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

<sup>15</sup> Cornell Law School, Legal Information Institute, *Sovereign immunity*, <https://www.law.cornell.edu/wex/sovereign-immunity> (last visited February 2, 2026). Sovereign immunity is a common law doctrine under which a sovereign cannot be sued in its courts without its consent. *Id.* The doctrine had its origin with the judge-made law of England. During English feudal times, the king was the sovereign. One could not sue the king in his own courts; hence the phrase, “the king can do no

immunity. Consistent with this provision, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting within the scope of their employment.<sup>16</sup> This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under s. 768.28, F.S., applies only to “injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment.”<sup>17</sup>

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken within the scope of their employment, unless the damages result from the employee’s acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.<sup>18</sup> A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment, and is not liable for damages resulting from actions committed by the employee in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.<sup>19</sup>

#### *Statutory Caps on Recovery of Damages*

Section 768.28(5), F.S., caps damages recoverable in a tort action against a state or local governmental entity at \$200,000 per person and \$300,000 per incident.<sup>20</sup> Although a court may enter an excess judgment, absent a claim bill passed by the Legislature or private insurance, a claimant may not actually collect more than the caps provide.<sup>21</sup>

#### *State Agency and Political Subdivision*

For purposes of s. 768.28, F.S., the term “state agencies or subdivisions” includes the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority.<sup>22</sup>

#### *Private Parties as Agents of the State*

Sections 768.28(10)-(12), F.S., provides instances when specified private parties, including their employees or agents, are considered as agents of specified state agencies for sovereign immunity purposes. These instances include:

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wrong.” *Id.*; see also *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981). Today, the term “sovereign” in Florida refers to state agencies and subdivisions including local governments.

<sup>16</sup> Section 768.28(1), F.S.

<sup>17</sup> *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4<sup>th</sup> DCA 2019) (quoting s. 768.28(1), F.S.) (internal punctuation omitted).

<sup>18</sup> Section 768.28(9)(a), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 768.28(5), F.S.

<sup>21</sup> *Breaux v. City of Miami Beach*, 899 So. 2d 1059, 1061 fn. 2 (Fla. 2005).

<sup>22</sup> Section 768.28(2), F.S.

- Health care providers providing health care services to prison inmates as agents of the Department of Corrections.
- Regional poison control centers supervised by the Department of Health as agents of the Department of Health.
- Nonprofit independent colleges or universities owning or operating an accredited medical school that have entered into affiliation agreements to provide patient services at teaching hospitals, as agents of the teaching hospital.
- State delegates and administrators for specific interstate health care licensing compacts, while acting within the scope of their compact-related duties.
- Providers or vendors providing certain social services under contract with the Department of Juvenile Justice as agents of the Department of Juvenile Justice.
- Health care practitioners providing medical services to intercollegiate athletes as agents of the state university's board of trustees.
- Operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor (Tri-Rail) performing such services under contract with and on behalf of the South Florida Regional Transportation Authority or the FDOT.
- Professional firms that provide monitoring and inspection services for transportation-related construction projects as agents of the FDOT.

### *Effect of Proposed Changes*

The bill creates s. 330.412, F.S., to provide that for vertiports collocated with a public airport,<sup>23</sup> the vertiport operator is considered an agency or subdivision of this state for sovereign immunity purposes and is entitled to sovereign immunity to the same extent as a public airport operator.

The bill provides that this provision expires July 1, 2036, unless reviewed and saved from repeal through reenactment by the Legislature.

## **FDOT Airport Development and Assistance Act (Section 4)**

### *Present Situation*

The Florida Airport Development and Assistance Act<sup>24</sup> provides the FDOT's statutory duties regarding aviation development and assistance. These duties include providing financial and technical assistance to airports<sup>25</sup> and encouraging the maximum allocation of federal funds to local airport projects.<sup>26</sup>

Each commercial service airport<sup>27</sup> must establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities

<sup>23</sup> Section 330.27(11), F.S., defines the term "public airport" to mean an airport, publicly or privately owned, which is open for use by the public.

<sup>24</sup> Sections 332.003-332.007, F.S.

<sup>25</sup> Section 332.006(4), F.S.

<sup>26</sup> Section 332.006(8), F.S.

<sup>27</sup> Section 322.0075(1)(a), F.S., defines the term "commercial service airport" to mean an airport providing commercial service, including large, medium, small, and nonhub airports as classified by the Federal Aviation Administration.

in safe and serviceable condition.<sup>28</sup> For purposes of this program, the term “airport infrastructure” means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods.<sup>29</sup>

Beginning November 1, 2025, and annually thereafter, each commercial service airport must certify to FDOT that it has established and maintains a comprehensive airport infrastructure program, related to infrastructure investment and preventative maintenance.<sup>30</sup>

Subject to the availability of appropriated funds, the FDOT is authorized to participate in the capital cost of certain public-use airport and aviation development projects. The local match requirement varies based on the project type and availability of federal funds.<sup>31</sup>

### ***Effect of Proposed Changes***

The bill amends s. 332.007(2)(v), F.S., to include vertiport pads, safety zones, charging systems, grid upgrades, and resilience energy systems to the definition of the term “airport infrastructure” for purposes of commercial service airport comprehensive infrastructure programs.

The bill authorizes the FDOT, when federal funds are not available, to fund to 100 percent of the project cost for a public or private vertiport. If federal funds are available, the FDOT may fund up to 80 percent of the nonfederal share of such project costs.

## **FDOT Responsibilities - Advanced Air Mobility (Section 5)**

### ***Present Situation***

In 2025, the Legislature created s. 332.15, F.S., relating to advanced air mobility to require the FDOT to:

- Address the need for vertiports, advanced air mobility, and other advances in aviation technology in its statewide aviation system plan<sup>32</sup> and its work program.<sup>33</sup>
- Designate, within the FDOT, a subject matter expert on AAM to serve as a resource for local jurisdictions navigating advances in aviation technology.
- Conduct a review of airport hazard zone regulations.
- Provide coordination and assistance for the development of a viable AAM system plan in this state.<sup>34</sup>

### ***Effect of Proposed Changes***

The bill amends s. 322.15, F.S., to require the FDOT to create a model vertiport siting code, establish vertiport demonstration corridors, and adopt rules for coordination among the FDOT, the FAA, and local governmental entities with respect to vertiports.

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<sup>28</sup> Section 332.007(2)(c), F.S.

<sup>29</sup> Section 332.007(2)(c), F.S.

<sup>30</sup> Section 332.007(2)(c), F.S.

<sup>31</sup> Section 332.007(7), F.S.

<sup>32</sup> The statewide aviation system plan is required under s. 332.006(1), F.S.

<sup>33</sup> FDOT’s work program is developed, adopted, and amended pursuant to s. 339.135, F.S.

<sup>34</sup> This is in coordination with the Florida Department of Commerce.

## **Vertiport Siting (Section 6)**

### ***Present Situation***

The term “vertiport” is included in the definition of “airport” for purposes of the Florida Airport Licensing Law.<sup>35</sup> Thus, vertiports are subject to the FDOT site approval, registration, certification, and licensure requirements.<sup>36</sup>

### ***State Preemption***

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.<sup>37</sup>

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.<sup>38</sup> Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.<sup>39</sup> In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.<sup>40</sup> In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.<sup>41</sup>

### ***Effect of Proposed Changes***

The bill creates s. 332.151, F.S., to require the FDOT to expeditiously approve vertiports adopting its model vertiport siting code.

The bill preempts to the state the regulation of vertiport design, aeronautical operations, and aviation safety to ensure consistency with federal regulations. This preemption does not apply to local land use and zoning authority or to reasonable noise compatibility ordinances, provided that such local regulations do not effectively prohibit the operation of AAM aircraft authorized by the FAA.

The bill preempts to the state regulation of electric aircraft charging stations and associated infrastructure. The bill prohibits a local governmental entity from enacting or enforcing an

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<sup>35</sup> Section 330.27(3), F.S.

<sup>36</sup> Section 330.30, F.S.

<sup>37</sup> Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited January 28, 2026).

<sup>38</sup> See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

<sup>39</sup> *Mulligan*, 934 So. 2d at 1243.

<sup>40</sup> *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

<sup>41</sup> See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

ordinance or regulation related to the design, construction, or installation of electric aircraft charging stations.

The bill requires local governmental entities to issue any required building permits for electric aircraft charging stations based solely upon the station's compliance with the FDOT-established standards.

The bill provides that if a local governmental entity does not approve or deny a permit application for an electric vehicle charging station within 15 business days after receiving a complete application, the application is deemed approved.

#### **Effective Date (Section 7)**

This bill takes effect July 1, 2026.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Providing vertiports collocating at public airports with sovereign immunity protections may reduce their insurance costs.

C. **Government Sector Impact:**

The FDOT may incur indeterminate costs to establish a model vertiport siting code and establishing vertiport demonstration corridors. The FDOT may also incur costs to adopt rules required by the bill.

VI. **Technical Deficiencies:**

Line 173 of the bill discusses electric aircraft charging stations based on compliance with the FDOT standards. However, the bill does not require the FDOT to establish such standards.

VII. **Related Issues:**

The bill may need to be amended to address licensing, certification, and registration of vertiports under the Florida Airport Licensing Law.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 255.065, 332.007, and 332.15.

This bill creates the following sections of the Florida Statutes: 330.412 and 332.151.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 3, 2026:**

The committee substitute:

- Removes from the bill provisions creating a sales tax exemption for electric vertical takeoff and landing aircraft and related items.
- Replaces the liability protections for vertiport operators contained in the bill with a provision providing that vertiports collocated with a public airport are entitled to sovereign immunity to the same extent as the public airport operator.
- Provides that the sovereign immunity provision expires July 1, 2036, unless reenacted by the Legislature.

B. **Amendments:**

None.