

CHAPTER 330

REGULATION OF AIRCRAFT, PILOTS, AND AIRPORTS

- 330.04 Possession of pilot's license; inspection on demand.
- 330.27 Definitions, when used in ss. 330.29–330.36, 330.38, 330.39.
- 330.29 Administration and enforcement; rules; standards for airport sites and airports.
- 330.30 Approval of airport sites and licensing of airports; fees.
- 330.31 Federal–state joint hearings, reciprocal services.
- 330.325 Injunctive relief.
- 330.33 Penalties.
- 330.35 Airport zoning, approach zone protection.
- 330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.
- 330.38 Construction of this law.
- 330.39 Short title.
- 330.40 Aircraft fuel tanks.

330.04 Possession of pilot's license; inspection on demand.—The pilot's license required shall be kept in the personal possession of the licensee when he or she is operating aircraft within this state, and must be presented for inspection upon the demand of any passenger, any peace officer of this state, or any official, manager, or person in charge of any airport or landing field in this state upon which the licensee shall land.

History.—s. 4, ch. 14642, 1931; CGL 1936 Supp. 4109(4); s. 474, ch. 95–148.

330.27 Definitions, when used in ss. 330.29–330.36, 330.38, 330.39.—

(1) "Aircraft" means any motor vehicle or contrivance now known, or hereafter invented, which is used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(2) "Airport" means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(3) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off.

(4) "Aviation" means the science and art of flight and includes, but is not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(5) "Department" means the Department of Transportation.

(6) "Limited airport" means an airport, publicly or privately owned, limited exclusively to the specific conditions stated on the site approval order or license.

(7) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.

(8) "Political subdivision" means any county, municipality, district, port or aviation commission or authority, or similar entity authorized to establish or operate an airport in this state.

(9) "Private airport" means an airport, publicly or privately owned, which is used primarily by the licensee but which is available for use by invitation of the licensee. Services may be provided if authorized by the department.

(10) "Public airport" means an airport, publicly or privately owned, which meets minimum safety and service standards and is open for use by the public.

(11) "Temporary airport" means an airport, publicly or privately owned, that will be used for a period of less than 90 days with no more than 10 operations per day.

(12) "Ultralight aircraft" means any heavier-than-air, motorized aircraft which meets the criteria for maximum weight, fuel capacity, and airspeed established for such aircraft by the Federal Aviation Administration under part 103 of the Federal Aviation Regulations.

History.—s. 1, ch. 24046, 1947; s. 24, ch. 57–1; s. 2, ch. 65–178; ss. 23, 35, ch. 69–106; s. 103, ch. 71–377; s. 2, ch. 73–326; s. 1, ch. 75–16; s. 1, ch. 77–273; s. 1, ch. 84–205; s. 12, ch. 95–146; s. 475, ch. 95–148.

330.29 Administration and enforcement; rules; standards for airport sites and airports.—It is the duty of the department to:

(1) Administer and enforce the provisions of this chapter;

(2) Establish minimum standards for airport sites and airports under its licensing jurisdiction; and

(3) Adopt such rules as it deems necessary to administer and enforce the provisions of this chapter.

History.—s. 3, ch. 24046, 1947; s. 11, ch. 25035, 1949; s. 2, ch. 65–178; ss. 10, 23, 35, ch. 69–106; s. 56, ch. 78–95; s. 2, ch. 84–205.

330.30 Approval of airport sites and licensing of airports; fees.—

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

(a) Except as provided in subsection (3), the owner or lessee of any proposed airport shall, prior to the acquisition of the site or prior to the construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site and for an original license shall be jointly made on a form prescribed by the department and shall be accompanied by a site approval fee of \$100. The department, after inspection of the airport site, shall grant the site approval if it is satisfied:

1. That the site is adequate for the proposed airport;

2. That the proposed airport, if constructed or established, will conform to minimum standards of safety and will comply with applicable county or municipal zoning requirements;

3. That all nearby airports, municipalities, and property owners have been notified and any comments submitted by them have been given adequate consideration; and

4. That safe air-traffic patterns can be worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(b) Site approval may be granted subject to any reasonable conditions which the department may deem necessary to protect the public health, safety, or welfare. Such approval shall remain in effect for a period of 2 years after the date of issuance of the site approval order, unless sooner revoked by the department or unless, prior to the expiration of the 2-year period, a license for an airport located on the approved site has been issued pursuant to subsection (2). A site approval may be extended for a maximum of 2 years upon good cause shown by the owner or lessee of the airport site.

(c) The department may revoke such approval if it determines:

1. That there has been an abandonment of the site as an airport site;

2. That there has been a failure within a reasonable time to develop the site as an airport or to comply with the conditions of the approval;

3. That the operation of aircraft of a nonemergency nature has occurred on the site; or

4. That, because of changed physical or legal conditions or circumstances, the site is no longer usable for the aviation purposes for which the approval was granted.

(2) LICENSES; REQUIREMENTS, FEES, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an airport in this state must obtain a license prior to the operation of aircraft on the airport. An application for such license shall be made on a form prescribed by the department and shall be accomplished jointly with an application for site approval. Upon granting site approval, making a favorable final airport inspection report indicating compliance with all license requirements, and receiving the appropriate license fee, the department shall issue a license to the applicant, subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

(b) The department is authorized to license an airport that does not meet all of the minimum standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

(c) The department may authorize a site as a temporary airport if it finds, after inspection of the site, that the airport will not endanger the public health, safety, or welfare. Such authorization shall expire not later than 90 days after issuance and is not renewable.

(d) The license fees for the four categories of airport licenses are:

1. Public airport: \$100.
2. Private airport: \$70.

3. Limited airport: \$50.

4. Temporary airport: \$25.

Airports owned or operated by the state, a county, or a municipality and emergency helistops operated by licensed hospitals are required to be licensed but are exempt from the payment of site approval fees and annual license fees.

(e)1. Each public airport license will expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. If the expiration date for a public airport is adjusted, the appropriate license fee shall be determined by prorating the annual fee based on the length of the adjusted license period.

2. The license period for all airports other than public airports will be set by the department, but shall not exceed a period of 5 years. In determining the license period for such airports, the department shall consider the number of based aircraft, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety.

3. The effective date and expiration date shall be stated on the face of the license. Upon receiving an application for renewal of a license on a form prescribed by the department, making a favorable inspection report indicating compliance with all applicable requirements and conditions, and receiving the appropriate annual license fee, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require site approval for an airport if the license of the airport has not been renewed by the expiration date.

5. If the renewal application and fees have not been received by the department within 15 days after the date of expiration of the license, the department may close the airport.

(f) The department may revoke any license or renewal thereof, or refuse to issue a renewal, if it determines:

1. That there has been an abandonment of the airport as such;

2. That there has been a failure to comply with the conditions of the license or renewal thereof; or

3. That, because of changed physical or legal conditions or circumstances, the airport has become either unsafe or unusable for the aeronautical purposes for which the license or renewal was issued.

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

(a) An airport owned or operated by the United States.

(b) An ultralight aircraft landing area; except that any public ultralight airport located within 5 nautical miles of another public airport or military airport or any ultralight landing area with more than 10 ultralight aircraft operating from the site is subject to the provisions of this section.

(c) A helistop used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract if the purpose of the helicopter operations at the site is to expedite construction.

(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.

(e) A helistop used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites.

History.—s. 4, ch. 24046, 1947; s. 1, ch. 61-215; s. 2, ch. 65-178; ss. 23, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 56, ch. 78-95; ss. 2, 3, ch. 81-318; ss. 3, 9, 10, ch. 84-205; s. 24, ch. 86-243; s. 14, ch. 87-225; s. 4, ch. 91-429; s. 19, ch. 94-237; s. 15, ch. 95-257; s. 1, ch. 95-412.

330.31 Federal-state joint hearings, reciprocal services.—

(1) **JOINT HEARINGS.**—The department is authorized to confer with or to hold joint hearings with any agency of the United States in connection with any matter arising under ss. 330.27-330.36, 330.38, and 330.39 or relating to the safe development of airports.

(2) **RECIPROCAL SERVICES.**—The department is authorized to avail itself of the cooperation, services, records, and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of ss. 330.27-330.36, 330.38, and 330.39. The department shall furnish to the agencies of the United States its cooperation, services, records, and facilities, insofar as may be practicable.

History.—s. 5, ch. 24046, 1947; s. 2, ch. 65-178; s. 23, 35, ch. 69-106; s. 4, ch. 84-205.

330.325 Injunctive relief.—The department may institute a civil action for injunctive relief in the appropriate circuit court to prevent the violation of any provision of this chapter.

History.—s. 5, ch. 84-205.

330.33 Penalties.—Any person who violates any of the provisions of this chapter or any of the rules or orders issued pursuant thereto is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 24046, 1947; s. 230, ch. 71-136; s. 5, ch. 84-205.

330.35 Airport zoning, approach zone protection.

(1) Nothing in ss. 330.29-330.36, 330.38, and 330.39 shall be construed to limit any right, power, or authority of the state or a political subdivision to regulate airport hazards by zoning.

(2) Airports licensed for general public use under the provisions of s. 330.30 are eligible for approach zone protection, and the procedure shall be the same as is prescribed in chapter 333.

(3) The department is granted all powers conferred upon political subdivisions of this state by chapter 333

to regulate airport hazards at state-owned airports. The procedure shall be to form a joint zoning board with the political subdivision of the state in which the state-owned airport is located as prescribed in chapter 333.

History.—s. 9, ch. 24046, 1947; s. 2, ch. 65-178; ss. 23, 35, ch. 69-106; s. 6, ch. 84-205; s. 14, ch. 85-81.

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.

(1) No county or municipality of this state shall license airports or control their location except by zoning requirements. The determination of suitable sites and standards of safety for airports shall be in accordance with the provisions of this chapter. Nothing in this chapter shall be interpreted as prohibiting a county or municipality from issuing occupational licenses to operators of airports.

(2) A municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality.

History.—s. 10, ch. 24046, 1947; s. 7, ch. 84-205; s. 10, ch. 87-392; s. 16, ch. 95-257; s. 2, ch. 95-412.

330.38 Construction of this law.—Nothing in this chapter shall apply to, or confer on the department, jurisdiction or control over any county or municipal aviation authority or county or municipal port authority or any airport under the control of such an authority.

History.—s. 11a, ch. 24046, 1947; s. 2, ch. 65-178; ss. 23, 35, ch. 69-106; s. 8, ch. 84-205; s. 15, ch. 87-225.

330.39 Short title.—Sections 330.27-330.36, 330.38, and 330.39 may be cited as the "State Airport Licensing Law."

History.—s. 13, ch. 24046, 1947.

330.40 Aircraft fuel tanks.—In the interests of the public welfare, it is unlawful for any person, firm, corporation, or association to install, maintain, or possess any aircraft which has been equipped with, or had installed in its wings or fuselage, fuel tanks, bladders, drums, or other containers which will hold fuel if such fuel tanks, bladders, drums, or other containers do not conform to federal aviation regulations or have not been approved by the Federal Aviation Administration by inspection or special permit. This provision also includes any pipes, hoses, or auxiliary pumps which when present in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers. Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 4, ch. 83-272; s. 15, ch. 85-81; s. 22, ch. 87-243; s. 1, ch. 93-258.