

Economic Infrastructure Subcommittee

Wednesday, January 28, 2026
1:00 PM - 3:00 PM
Reed Hall (102 HOB)

Daniel Perez
Speaker

Chip LaMarca
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Infrastructure Subcommittee

Start Date and Time: Wednesday, January 28, 2026 01:00 PM

End Date and Time: Wednesday, January 28, 2026 03:00 PM

Location: Reed Hall (102 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 519 Golf Cart Crossings by Yeager
HB 919 Commercial Service Airports by Weinberger, Kendall
HB 1075 Municipal Utility Connections by Sirois, Oliver
HB 1093 Advanced Air Mobility by Spencer
HB 1461 Advanced Nuclear Reactors by Miller, Gentry
HB 4045 Jacksonville Aviation Authority, Consolidated City Of Jacksonville, Duval County by Duggan

NOTICE FINALIZED on 01/26/2026 4:34PM by Marks.Amie

HB 519

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 519	**COMPANION BILL:** None
TITLE: Golf Cart Crossings	**LINKED BILLS:** None
SPONSOR(S): Yeager	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:
The bill authorizes a golf cart to cross certain highways of five lanes or more at a golf cart crossing at a signalized intersection, if the Florida Department of Transportation (FDOT) has reviewed and approved the location and design of the crossing. The bill authorizes the operation of a golf cart on this type of crossing only with a permit from the county or municipality where the golf cart crossing is located.

Fiscal or Economic Impact:
None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expands the authorized operation of golf carts on roadways by allowing a golf cart to cross a highway of five lanes or more at a golf cart crossing at a signalized intersection, if FDOT has reviewed and approved the location and design of the crossing and all of the following conditions are met:

- The roadway perpendicular to the crossing has a speed limit of 35 miles per hour or less
- The perpendicular roadway approaches include at least one exclusive right-turn or shared through-lane and right-turn lane.
- The angle of the roadway perpendicular to the crossing is at least 90 degrees but not more than 105 degrees from the roadway on which the crossing is located.
- The county or municipality in which the golf cart crossing is located has posted appropriate signs at the signalized intersection to indicate that operation of a golf cart is allowed at the crossing.
- A person has obtained a permit to operate a golf cart from the county or municipality where the golf cart crossing is located.

The bill provides that operating a golf cart in violation of these provisions is a non-criminal traffic infraction and is punishable as a moving violation. (Section 1)

The bill has an effective date of July 1, 2026 (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Operation of Golf Carts on Roadways

Florida law defines the term "golf cart" as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes. Operation of golf carts is prohibited on public roads or streets of this state, with the exceptions described below.[1]

A golf cart may be operated upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon such a determination, the responsible governmental entity must post appropriate signs to indicate that such operation is allowed. [2]

A golf cart may be operated on the State Highway System under the following conditions:[3]

- To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if FDOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if FDOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- On a state road that has been designated for transfer to a local government unit if DOT determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic and if:
    - The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
    - The speed, volume, and character of motor vehicle traffic using the road is considered by DOT in making its determination.

If such use is approved, FDOT must post appropriate signs along the road to indicate that golf cart operation is allowed.[4]

A golf cart may be operated by residents or guests of a mobile home park for the purpose of crossing a street or highway where the mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway reviews and approves the location of the crossing and require implementation of any traffic controls needed for safety purposes. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.[5]

If authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the State Park Road System if the posted speed limit is 35 miles per hour or less. [6]

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[1] s. 316.212, F.S.
[2] S. 316.212(1), F.S.
[3] s. 316.212(2), F.S.
[4] *Id.*
[5] S. 316.212(3), F.S.
[6] *Id.*

A golf cart may only be operated during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield. Further, a golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.[7] A golf cart may not be operated on public roads or streets by any person under the age of 15.[8]

A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic infraction, punishable as a nonmoving violation.[9] The statutory base fine is $30[10], but with additional fees and surcharges, the total penalty may be higher. A violation of the permissible operation of a golf cart on public roads or a violation of the hours of permissible operation of a golf cart is a noncriminal traffic infraction punishable as a moving violation.[11]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2023	CS/CS/HB 949 - Operation of a Golf Cart	Stevenson/ *Grall*	Became law on October 1, 2023.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee			Keating	Ray
Intergovernmental Affairs Subcommittee				
Commerce Committee				

[7] S. 316.212(6), F.S.
[8] S. 316.212(7), F.S. An operator under 18 years of age must possess a valid learner's driver license or valid driver license.
[9] S. 316.212(9), F.S.
[10] S. 318.18(2), F.S.
[11] S. 316.212(9), F.S.

A bill to be entitled

An act relating to golf cart crossings; amending s. 316.212, F.S.; authorizing operation of a golf cart for the purpose of crossing certain highways under certain conditions; requiring certain counties and municipalities to post certain signs; requiring certain permits; providing penalties; providing an effective date.

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

Section 1. Subsection (9) of section 316.212, Florida Statutes, is renumbered as subsection (10) and amended, and a new subsection (9) is added to that section to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(9)(a) Notwithstanding any other provision of this section, a golf cart may be operated for the purpose of crossing a highway of five lanes or more upon a golf cart crossing at a signalized intersection if the Department of Transportation has reviewed and approved the location and design of the crossing and all of the following conditions are met:

1. The roadway perpendicular to the crossing must have a speed limit of 35 miles per hour or less, which must be posted

CODING: Words stricken are deletions; words underlined are additions.

on either side of the crossing.

2. The perpendicular roadway approaches must include at least one exclusive left-turn lane and at least one exclusive right-turn lane or shared through-lane and right-turn lane.

3. The angle of the roadway perpendicular to the crossing must be at least 90 degrees but not more than 105 degrees from the roadway on which the crossing is located.

(b) The county or municipality in which the golf cart crossing is located shall post appropriate signs at the signalized intersection to indicate that operation of a golf cart is allowed at the crossing.

(c) A person must obtain a permit to operate a golf cart under paragraph (a) from the county or municipality in which the golf cart crossing is located.

(10) ~~(9)~~ A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsections (1)-(5) and (9) or a local ordinance corresponding thereto and enacted pursuant to subsection (8), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (6), subsection (7), or a local ordinance corresponding thereto and enacted pursuant to subsection (8).

Section 2. This act shall take effect July 1, 2026.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Economic Infrastructure Subcommittee

HB 519 by Rep. Yeager
Golf Cart Crossings

AMENDMENT SUMMARY
January 28, 2026

Amendment #759743 by Rep. Yeager (strike-all):

- Authorizes a golf cart to be operated to cross any street or highway within a crosswalk, at a signalized intersection, that connects streets or roads designated by a local government entity for the operation of golf carts.
- Removes provisions of the bill that:
  - Provide for golf cart crossings at highways of five or more lanes, subject to review and approval by the Florida Department of Transportation for the location and design of such crossings;
  - Limit such crossings to perpendicular roadways with a speed limit of 35 miles per hours or less, with specified turn lane configurations, and within a crossing angle between 90 and 105 degrees; and
  - Require a person to obtain a permit to operate a golf cart at such crossings from the applicable local government.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative Yeager offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (5) through (9) of section 316.212, Florida Statutes, are renumbered as subsections (6) through (10), a new subsection (5) is added to that section, and renumbered subsection (10) is amended, to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(5) Notwithstanding any other provision of this section, a golf cart may be operated for the purpose of crossing a street

or highway within a crosswalk at a signalized intersection, provided that:

1. The intersection is located wholly within the boundaries of a single local governmental entity;

2. The local governmental entity has designated, for the operation of golf carts, the street or road located on both sides of the street or highway spanned by the crosswalk; and

3. The local governmental entity has approved the operation of golf carts at the crosswalk and has posted appropriate signs at the signalized intersection to indicate that operation of a golf cart is permitted at the crosswalk.

(10) ~~(9)~~ A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsections (1)-(6) ~~(5)~~ or a local ordinance corresponding thereto and enacted pursuant to subsection (9) ~~(8)~~, or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (7) ~~(6)~~, subsection (8) ~~(7)~~, or a local ordinance corresponding thereto and enacted pursuant to subsection (9) ~~(8)~~.

Section 2. This act shall take effect July 1, 2026.

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

Remove everything before the enacting clause and insert:

An act relating to golf cart crossings; amending s. 316.212, F.S.; authorizing operation of a golf cart for the purpose of crossing certain streets and highways under certain conditions; providing penalties; providing an effective date.

HB 919

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 919	**COMPANION BILL:** SB 706 (Mayfield)
TITLE: Commercial Service Airports	**LINKED BILLS:** None
SPONSOR(S): Weinberger and Kendall	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Commerce

SUMMARY

Effect of the Bill:
The bill preempts to the state the naming of major commercial service airports. The bill renames the Palm Beach International Airport as the "Donald J. Trump International Airport" but retains the current names for all other major commercial service airports, including Orlando International Airport, Miami International Airport, Fort Lauderdale-Hollywood International Airport, Tampa International Airport, Southwest Florida International Airport, and Jacksonville International Airport. The bill requires an annual review to identify airports that may be added or removed from this list based on a change in status as a major commercial service airport.

Fiscal or Economic Impact:
The bill appears to have a negative impact on local government expenditures associated with renaming the Palm Beach International Airport.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expressly preempts to the state the naming of major commercial service airports. The bill defines a major commercial service airport as an airport providing commercial service which is a medium or large hub airport under the classification criteria established by the Federal Aviation Administration. (Section 1)

The bill provides that the major commercial service airports in the state are named as follows: (Section 1)

- The airport located at One Jeff Fuqua Boulevard in Orlando is named "Orlando International Airport."
- The airport located at 2100 NW 42nd Avenue in Miami is named "Miami International Airport."
- The airport located at 100 Terminal Drive in Fort Lauderdale is named "Fort Lauderdale-Hollywood International Airport."
- The airport located at 4100 George J. Bean Parkway in Tampa is named "Tampa International Airport."
- The airport located at 11000 Terminal Access Road in Fort Meyers is named "Southwest Florida International Airport."
- The airport located at 1000 James L Turnage Boulevard in West Palm Beach is named "Donald J. Trump International Airport."
- The airport located at 2400 Yankee Clipper Drive in Jacksonville is named "Jacksonville International Airport."

The bill provides that each name remains valid if an airport no longer meets the classification criteria to be a major commercial service airport. The bill requires the department to review this list annually to identify airports that may be added or removed based on a change in status as a major commercial service airport. If the department identifies such a change in status for any airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. (Section 1)

The bill requires government records created on or after July 1, 2026, to use the airport names provided in the bill. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill appears to have a negative impact on local government expenditures associated with renaming the Palm Beach International Airport.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Local Government Authority

The Florida Constitution grants county and municipal governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[1] Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.[2] Likewise, municipalities[3] have those governmental, corporate, and proprietary powers enabling them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[4]

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.[5] Special districts are created by general law,[6] special act,[7] local ordinance,[8] or by rule of the Governor and Cabinet.[9] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[10] As of January 25, 2026, there are 601 active dependent[11] special districts and 1,486 active independent special districts in Florida.[12]

State Preemption

[1] Art. VIII, s. 1(f), Fla. Const.
[2] Art. VIII, s. 1(g), Fla. Const.
[3] A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term "municipality" may be used interchangeably with the terms "town," "city," and "village."
[4] Art. VIII, s. 2(b), Fla. Const. *See also* s. 166.021(1), F.S.
[5] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[6] S. 189.031(3), F.S.
[7] *Id.*
[8] S. 189.02(1), F.S.
[9] S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.
[10] *Local Gov't Formation Manual,* p. 56, https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf (last visited Jan. 25, 2026).
[11] Dependent special districts are under some control by a single county or municipality. S. 189.012(2), F.S. An independent special district is any district that is not a dependent special district. S. 189.012(3), F.S. A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.
[12] Florida Department of Commerce, Official List of Special Districts, https://specialdistrictreports.floridajobs.org/OfficialList/CustomList (last visited Jan. 25, 2026).

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.[13]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[14] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[15] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[16] 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.[17]

Federal Classification of Airports

The Federal Aviation Administration (FAA) oversees the planning and development of airports across the nation with a focus on safety and security. The FAA classifies all airports based on the type of service provided and the number of passengers that board aircraft (passenger boardings).[18] Each commercial service airport is further classified by hub type based on the percentage or number of annual U.S. commercial passenger boardings that the airport receives, as shown in the table below.

Commercial Service Airport Classifications[19]

		Hub Type (Percentage / Number of Annual U.S. Passenger Boardings)	**Common Name**
Commercial Service Publicly owned airports with at least 2,500 passenger boardings each year and that receive scheduled passenger service	**Primary** More than 10,000 passenger boardings each year	**Large** (1% or more)	**Large Hub**
		Medium (0.25% to 1%)	**Medium Hub**
		Small (0.05% to 0.25%)	**Small Hub**
		Nonhub (More than 10,000 but less than 0.05%)	**Nonhub Primary**
	Nonprimary	**Nonhub** - At least 2,500 and no more than 10,000	**Nonhub Nonprimary**

[13] 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 Jan. 25, 2026).
[14] *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).
[15] *Mulligan*, 934 So. 2d at 1243.
[16] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).
[17] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So.2d 504 (Fla. 3d DCA 2002).
[18] 49 U.S.C. § 47102. Passenger boardings are defined as revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce. 49 U.S.C. § 47102(15).
[19] Federal Aviation Administration, *Airport Categories*, https://www.faa.gov/airports/planning_capacity/categories (last visited Jan. 25, 2026). *See also* 49 U.S.C. § 47102.

Large and Medium Hub Airports in Florida

Under the FAA's classification system, Florida is home to four large hub airports and three medium hub airports.[20]

Florida's large hub airports are:
- Orlando International Airport,
- Miami International Airport,
- Fort Lauderdale-Hollywood International Airport, and
- Tampa International Airport.

Florida's medium hub airports are:
- Southwest Florida International Airport,
- Palm Beach International Airport, and
- Jacksonville International Airport.

Each of these airports is owned and operated by a unit of local government.[21]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee			Keating	Ray
Commerce Committee				

[20] Federal Aviation Administration, *List of NPIAS Airports, Oct 2024,* https://www.faa.gov/sites/faa.gov/files/airports/planning_capacity/npias/current/ARP-NPIAS-2025-2029-Appendix-A.pdf (last visited Jan. 25, 2026).

[21] Orlando International Airport is operated by the Greater Orlando Aviation Authority, an independent special district. *See* Ch, 98-492, L.O.F.; *see also* Greater Orlando Aviation Authority, *History of MCO*, https://flymco.com/airport-business/mcohistory/ (last visited Jan. 25, 2026). Miami International Airport is owned by Miami-Dade County and operated by the Miami-Dade Aviation Department. *See* Miami International Airport, *About Us*, https://www.miami-airport.com/about_us.asp (last visited Jan. 25, 2026). Fort Lauderdale-Hollywood International Airport is owned by Broward County and operated by the Broward County Aviation Department. *See* Broward.Org,, *Airport,* https://www.broward.org/Airport/Business/about/Pages/default2.aspx (last visited Jan. 25, 2026). Tampa International Airport is operated by the Hillsborough County Aviation Authority, an independent special district. *See* Ch. 2022-252, L.O.F.; *see also* Tampa International Airport, *About HCAA*, https://www.tampaairport.com/business/airport-administration/about-hcaa (last visited Jan. 25, 2026). Southwest Florida International Airport is operated by the Lee County Port Authority, a dependent special district of Lee County. *See* Lee County Port Authority, *About LCPA*, https://www.flylcpa.com/about-lcpa/lee-county-port-authority/ (last visited Jan. 25, 2026). Palm Beach International Airport is operated by the Palm Beach County Department of Airports. *See* Palm Beach International Airport, *History*, https://www.pbia.org/about/history/ (last visited Jan. 25, 2026). Jacksonville International Airport is owned and operated by the Jacksonville Aviation Authority, a dependent special district of the City of Jacksonville. *See* Jacksonville International Airport, *About JAA*, https://flyjacksonville.com/content.aspx?id=67 (last visited Jan. 25, 2026).

A bill to be entitled

An act relating to commercial service airports; amending s. 332.0075, F.S.; defining the term "major commercial service airport"; preempting the naming of major commercial service airports to the state; providing names for major commercial service airports; providing that such airport names continue to be valid under certain circumstances; requiring the Department of Transportation to annually review provisions naming major commercial service airports for a certain purpose; requiring the department to provide certain notice to the Legislature; providing requirements for such notice; requiring that certain government records created on or after a certain date use such airport names; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (1) of section 332.0075, Florida Statutes, and subsection (7) is added to that section, to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

(1) As used in this section, the term:

(e) "Major commercial service airport" means an airport

CODING: Words stricken are deletions; words underlined are additions.

providing commercial service which is a medium or large hub airport under the classification criteria established by the Federal Aviation Administration.

(7)(a) The naming of major commercial service airports is preempted to the state.

(b) Notwithstanding any law to the contrary, the major commercial service airports are named as follows:

1. The airport located at One Jeff Fuqua Boulevard in Orlando, or nearest thereto, is the "Orlando International Airport."

2. The airport located at 2100 NW 42nd Avenue in Miami, or nearest thereto, is the "Miami International Airport."

3. The airport located at 100 Terminal Drive in Fort Lauderdale, or nearest thereto, is the "Fort Lauderdale-Hollywood International Airport."

4. The airport located at 4100 George J. Bean Parkway in Tampa, or nearest thereto, is the "Tampa International Airport."

5. The airport located at 11000 Terminal Access Road in Fort Myers, or nearest thereto, is the "Southwest Florida International Airport."

6. The airport located at 1000 James L Turnage Boulevard in West Palm Beach, or nearest thereto, is the "Donald J. Trump International Airport."

7. The airport located at 2400 Yankee Clipper Drive in Jacksonville, or nearest thereto, is the "Jacksonville

International Airport."

(c) If an airport listed in paragraph (b) no longer meets the classification criteria to be a major commercial service airport, the airport name continues to be valid.

(d) The department shall review paragraph (b) annually to identify airports that may be added to or removed from paragraph (b) based on any change in status as a major commercial service airport. If the department identifies any such airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. The notice must include the name of the airport and specify the reasons for the airport's change in status.

(e) Government records created on or after July 1, 2026, which refer to airports listed in paragraph (b) must use the airport names provided in paragraph (b).

Section 2. This act shall take effect July 1, 2026.

Economic Infrastructure Subcommittee

HB 919 by Reps. Weinberger and Kendall
Commercial Service Airports

AMENDMENT SUMMARY
January 28, 2026

Amendment #791219 by Rep. Weinberger (line 47):

- Provides that renaming of a certain airport is subject to the approval of the Federal Aviation Administration and execution of an agreement for naming rights.
- Provides construction and clarifies effect of the bill.
- Provides a definition of the term “political subdivision” for purposes of the bill.
- Clarifies that a political subdivision is in compliance with the bill if it diligently pursues all necessary approvals and agreements to implement the name change required by the bill.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative Weinberger offered the following:

Amendment (with title amendment)

Remove lines 47-65 and insert:

in West Palm Beach, or nearest thereto, currently known as the "Palm Beach International Airport," shall be renamed as the "Donald J. Trump International Airport," subject to approval of the Federal Aviation Administration and execution of an agreement with the rights holder authorizing the commercial use of "Donald J. Trump International Airport" by Palm Beach County, which must, at a minimum, grant Palm Beach County the perpetual and unrestricted right to use the name "Donald J. Trump International Airport," as well as reasonable abbreviations or deviations thereof, at no cost, in signage, advertising,

marketing, merchandising, and promotions and for the branding of the airport and its operations, services, and amenities, and all related purposes.

7. The airport located at 2400 Yankee Clipper Drive in Jacksonville, or nearest thereto, is the "Jacksonville International Airport."

(c) If an airport listed in paragraph (b) no longer meets the classification criteria to be a major commercial service airport, the airport name continues to be valid.

(d) The department shall review paragraph (b) annually to identify airports that may be added to or removed from paragraph (b) based on any change in status as a major commercial service airport. If the department identifies any such airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. The notice must include the name of the airport and specify the reasons for the airport's change in status.

(e) Government records created on or after July 1, 2026, which refer to airports listed in paragraph (b) must use the airport names provided in paragraph (b). For purposes of this subsection, airport names are branding designations only and may not be construed to create or require the creation of a new legal entity. This paragraph does not require a political subdivision to amend any existing agreement with any person or entity solely to update references to the airport name or

require a political subdivision to contract in the name of the airport listed in paragraph (b).

(f) For purposes of this subsection, the term "political subdivision" means a political subdivision as defined in s. 333.01 which owns and controls an airport listed in paragraph (b). Notwithstanding any other provision of law, a political subdivision may not be construed to be in violation of any state law, including, but not limited to, chapter 495 and s. 540.08, for using the airport name provided in paragraph (b).

(g) A political subdivision is in compliance with this subsection if it diligently pursues all necessary approvals and agreements to implement an airport name change required under this subsection and timely commences signage and branding changes upon receipt of such approvals. For purposes of this paragraph, the term "timely commences" means to initiate planning, procurement, and implementation within a reasonable period after receiving all necessary approvals, taking into account the availability of budgeted funds and the timeframes necessary to comply with applicable procurement laws, regulations, and procedures.

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

Remove lines 7-15 and insert:

providing that renaming a specified airport is subject to approval of the Federal Aviation Administration and execution of a certain agreement; providing that such airport names continue to be valid under certain circumstances; requiring the Department of Transportation to annually review provisions naming major commercial service airports for a certain purpose; requiring the department to provide certain notice to the Legislature; providing requirements for such notice; requiring that certain government records created on or after a certain date use such airport names; specifying that airport names are branding designations; providing construction; defining the terms "political subdivision" and "timely commences"; providing that a political subdivision is in compliance with certain provisions under specified circumstances; providing an effective date.

HB 1075

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1075	**COMPANION BILL:** SB 1014 (Mayfield)
TITLE: Municipal Utility Connections	**LINKED BILLS:** None
SPONSOR(S): Sirois and Oliver	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:
The bill requires a municipality to extend utility service to other municipalities or property owners located outside its municipal boundaries if: (1) the municipal utility has sufficient capacity to serve without material impact on service to existing customers; and (2) the requesting municipality or property owner agrees to pay all applicable rates, fees, and charges under current law (including surcharges). Otherwise, service extension is by agreement, as provided in current law. The bill clarifies that it does not prohibit a municipality from imposing reasonable fees necessary to fund system expansion required for a new connection.

Fiscal or Economic Impact:
None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill establishes requirements related to the provision of municipal utility services to municipalities or property owners outside the municipal boundaries.

The bill requires a municipality that operates utility services to allow another municipality or property owner outside its municipal boundaries to connect with or use its utility services if each of the following conditions is met:

- The utility system has sufficient system capacity[1] to serve the requested connection without materially impairing service to existing utility customers.
- The requesting municipality or property owner agrees to pay all applicable rates and charges authorized by law.[2] (Section 1)

The bill provides that where the conditions above are not met, connection by another municipality or a property outside municipal boundaries is by agreement. (Section 1)

The bill provides that a municipality must, within 30 days after receipt of a connection application from a municipality or property owner outside its municipal boundaries, make a written capacity determination. The determination must be based on generally accepted engineering standards and current system data. (Section 1)

[1] "Capacity" in utility services refers to the maximum amount or volume of product (electricity, water, gas) that can be provided at a specific point in time under specific conditions. *See e.g.*, U.S. Energy Information Administration, *Electricity explained: Electricity generation, capacity, and sales in the United States*, https://www.eia.gov/energyexplained/electricity/electricity-in-the-us-generation-capacity-and-sales.php (last visited Jan. 16, 2026).

[2] The requesting municipality or property owner must agree to pay all rates and charges imposed by the municipal utility in accordance with s. 180.191, F.S.

The bill establishes certain requirements where the municipality denies a connection request. Specifically:

- If the connection request is denied due to lack of capacity, the denial must include specific engineering findings identifying the deficient components of the system.
- A requesting municipality or property owner denied connection with or use of utility services may appeal the capacity determination to the circuit court in the county in which the municipality or property is located. The court must review the determination de novo.[3]
- If the court finds that the municipality's denial was in violation of the provisions of the bill, the court must order the connection and award the prevailing party reasonable attorney fees and court costs, unless the municipality providing utility services demonstrates by clear and convincing evidence that the denial was based on a good faith, reasonable engineering determination of insufficient capacity. (Section 1)

The bill provides that a private company or corporation granted a privilege or franchise by a municipality to operate utility services may allow connection by another municipality or property owner by agreement. (Section 1)

The bill clarifies that it does not prohibit a municipality from imposing reasonable impact fees, connection fees, or infrastructure contributions necessary to fund system expansion required for a new connection. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Local Government Authority

Pursuant to s. 2(b), Art. VIII of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. Municipalities may exercise any power for municipal purposes, except when expressly prohibited by law.[4] The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act with certain exceptions.[5] Under their home rule power and as otherwise provided or limited by law or agreement, municipalities may provide utilities to citizens and entities within the municipality's corporate boundaries, in unincorporated areas, and even in other municipalities.

Municipal Utility Services

Many municipalities own and operate electric utilities and natural gas utilities and govern the operation of those utilities through ordinance, code, or policies. Currently, there are 35 municipal electric utilities in the state and 27 municipally owned natural gas utilities.[6] Municipal electric and natural gas utility rates are not directly regulated by the Florida Public Service Commission (PSC), however, the PSC does have jurisdiction over municipal electric utilities for matters related to rate structure, power plant transmission line site certification, general reporting

[3] "De novo," is a Latin term that means "anew," "from the beginning," or "afresh." A court that hears a case de novo decides the issues without reference to any conclusions or findings made by a lower or previous court. *See e.g.*, Cornell Law School, Legal Information Institute, *de novo*, https://www.law.cornell.edu/wex/de_novo (last visited Jan. 16, 2026).

[4] Section 166.021(2), F.S., provides that any activity or power which may be exercised by the state or its political subdivisions is considered a municipal purpose.

[5] Pursuant to s. 166.021(3), F.S., a municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution.

[6] Florida Public Service Commission, *Facts and Figures of the Florida Utility Industry (2025)*, at pages 1, 12, available at https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Jan. 16, 2025).

jurisdiction, service territory and territory disputes, energy efficiency reporting, ten-year site plans, reporting on system hardening and resiliency, reporting on net metering, audits related to regulatory assessment fees, monitoring renewable energy, reporting on facilities inspection and vegetation management, and ensuring a reliable, coordinated power grid.[7] Many of these utilities provide service to customers located outside of the municipality's boundaries.

Municipalities are authorized by general law to provide water and sewer utility services.[8] With respect to public works projects, including water and sewer utility services,[9] municipalities may extend and execute their corporate powers outside of their corporate limits as "desirable or necessary for the promotion of the public health, safety and welfare."[10] A municipality may not extend or apply these corporate powers within the corporate limits of another municipality.[11] In general, however, local governments may enter into mutually advantageous agreements to provide services or facilities to other localities.[12] Further, the law specifically authorizes a municipality to negotiate agreement to terms and conditions upon which any other municipality and the owners of lands outside its corporate limits or within the limits of another municipality may connect with its utility services.[13] Municipal water and sewer utility systems are exempt from PSC jurisdiction.

Florida law authorizes a municipality that operates a water or sewer utility outside of its municipal boundaries to impose higher rates, fees, and charges on customers receiving service outside of its corporate boundaries compared those imposed on customers within its boundaries. The municipality can accomplish this in two ways:

- It may add a surcharge of up to 25 percent of the rates, fees, and charges imposed on customers within its boundaries. This mechanism does not require a public hearing.[14]
- It may set separate rates, fees, and charges for customers outside its boundaries based on the same factors used to set rates for customers within its boundaries. It may then add a surcharge of up to 25 percent of these charges, provided that the total of all such rates, fees, and charges for service to customers outside its boundaries may not exceed the total charges to customers within its boundaries by more than 50 percent for corresponding service. Rates set in this manner require a public hearing at which all users served or to be served by the water or sewer utilities and all other interested persons will have an opportunity to be heard concerning the proposed rates.[15]

Trial Courts

The State Constitution establishes a two-tier system of trial courts granting distinct jurisdiction to county courts and to circuit courts.[16] County courts have limited jurisdiction set by statute and hear matters such as traffic offenses, landlord-tenant disputes, small claims cases up to $8,000, misdemeanor criminal matters, local

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[7] Presentation on *Florida Public Power*, Florida Municipal Electric Association (Feb. 9, 2023), slide 3, available at https://www.flhouse.gov/Sections/Documents/publications.aspx?CommitteeId=3226&PublicationType=Committees&DocumentType=All&SessionId=99 (last visited Jan. 16, 2026).

[8] Pursuant to s. 180.06, F.S., a municipality may "provide water and alternative water supplies;" "provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes;" and "construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works" to accomplish these purposes.

[9] Other public works projects authorized under s. 180.06, F.S., include alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes, garbage collection and disposal, airports, hospitals, jails, golf courses, gas plants and distribution systems, and related facilities.

[10] S. 180.02(2), F.S.

[11] *Id.*

[12] *See* s. 163.01, F.S.

[13] S. 180.19, F.S.

[14] S. 180.191(1)(a), F.S.

[15] S. 180.191(1)(b), F.S.

[16] Art. V, ss. 5 and 6, Fla. Const.

government ordinance violations, and monetary disputes up to $50,000.[17] There are 67 county courts, one for each county in the state.[18] Circuit courts, meanwhile, have general jurisdiction to hear all matters not within the county courts' jurisdiction, including dissolution of marriage and other "family law" proceedings, felony criminal matters, juvenile delinquency and dependency proceedings, probate proceedings, guardianship matters, and monetary disputes over $50,000.[19] There are 20 circuit courts in Florida, one for each judicial circuit.[20]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/HB 1523 - Utility Services	Busatta	Died in Senate

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee			Keating	Rubottom
Intergovernmental Affairs Subcommittee				
Commerce Committee				

[17] Office of the State Courts Administrator, *Trial Courts – County,* https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-County (last visited Jan. 16, 2026).
[18] *Id.*
[19] Office of the State Courts Administrator, *Trial Courts - Circuit,* https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-Circuit (last visited Jan. 16, 2026).
[20] *Id.*

A bill to be entitled

An act relating to municipal utility connections; amending s. 180.19, F.S.; requiring municipalities that operate utility services to allow other municipalities and property owners outside its municipal boundaries to connect with and use its utility services under specified conditions; requiring municipalities to make certain determinations within a specified timeframe; providing for appeal of such determinations; providing for the award of attorney fees and court costs; providing that municipalities are not liable for such fees and costs under certain conditions; providing construction; providing an effective date.

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

Section 1. Section 180.19, Florida Statutes, is amended to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(1)(a) A municipality that operates utility services ~~which constructs any works as are~~ authorized under ~~by~~ this chapter shall allow a~~, may permit any other~~ municipality or property owner ~~and the owners or association of owners of lots or lands~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

outside of its municipal boundaries ~~corporate limits or within the limits of any other municipality,~~ to connect with or use the utility services if:

1. The utility system has sufficient treatment, transmission, and distribution capacity to serve the requested connection without materially impairing service to existing utility customers; and

2. The requesting municipality or property owner agrees to pay all applicable rates, fees, and charges authorized under s. 180.191.

(b) If the conditions in paragraph (a) are not met, connection with or use of the utility services are ~~utilities mentioned in this chapter~~ upon such terms and conditions as may be agreed between the ~~such~~ municipalities or the municipality and the property owner~~, and the owners or association of owners of such outside lots or lands~~.

(2)(a) A municipality that operates utility services must make a written capacity determination within 30 days after receipt of a completed application for connection from a municipality or property owner under subsection (1). The determination must be based on generally accepted engineering standards and current system data. A denial of connection with or use of utility services due to a lack of capacity must include specific engineering findings identifying the deficient components of the system.

(b) A requesting municipality or property owner denied connection with or use of utility services may appeal the capacity determination to the circuit court in the county in which the municipality or property is located. The court must review the determination de novo.

(c) If the court finds that the municipality refused to allow the connection in violation of this subsection, the court must order the connection and award the prevailing party reasonable attorney fees and court costs to be paid by the municipality operating the utility services.

(d) The municipality operating the utility services is not liable for attorney fees or court costs under paragraph (c) if the municipality demonstrates by clear and convincing evidence that the denial was based on a good faith, reasonable engineering determination of insufficient capacity.

(3) ~~(2)~~ Any private company or corporation organized to accomplish the purposes of ~~set forth in~~ this chapter that~~, which~~ has been granted a privilege or franchise by a municipality to operate utility services~~,~~ may allow a municipality or property owner ~~permit the owners or association of owners of lots or lands~~ outside of the boundaries of the granting ~~said~~ municipality ~~granting said privilege or franchise, or other municipality,~~ to connect with and use the utility services ~~operated by the said private company or corporation~~ upon such terms as may be agreed between the ~~said~~ private company or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

corporation and the ~~owners or association of owners of said lots or lands or the said~~ municipality or property owner.

(4) This section does not prohibit a municipality from imposing reasonable impact fees, connection fees, or infrastructure contributions necessary to fund system expansion required for a new connection.

Section 2. This act shall take effect July 1, 2026.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1093	**COMPANION BILL:** SB 1362 (Harrell)
TITLE: Advanced Air Mobility	**LINKED BILLS:** None
SPONSOR(S): Spencer	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Ways & Means ➤ Transportation & Economic Development Budget ➤ Commerce

SUMMARY

Effect of the Bill:

The bill contains several provisions related to the advanced air mobility industry, including:

- Creation of sales tax exemptions for electrical vertical takeoff and landing (eVTOL) aircraft, batteries, and electricity used for eVTOL training operations;
- Authorization for the Florida Department of Transportation (FDOT) to provide funding for vertiports;
- Liability protections for vertiport operators;
- State preemption over specified aspects of vertiport regulation and operations;
- Adoption of a model vertiport siting code by FDOT; and
- Establishment of vertiport demonstration corridors by FDOT.

Fiscal or Economic Impact:

The Revenue Estimating Conference has not yet met to determine the revenue impacts of the bill.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides that it may be cited as the "Advanced Air Mobility Competitiveness and Infrastructure Act." (Section 1).

The bill creates a sales tax exemption for electric vertical takeoff and landing aircraft (eVTOLS), batteries, and training devices placed into services for at least 36 months. The bill also creates a sales tax exemption for electricity used for eVTOL aircraft training operations. (Section 2)

The bill amends Florida law to specifically include vertiports and charging systems as qualifying projects for funding under public-private partnerships between state and private entities. (Section 3)

The bill authorizes the Florida Department of Transportation (FDOT) to fund all of the project costs of a public or private vertiport if federal funds are not available. If federal funds are available, FDOT may fund up to 80 percent of the nonfederal share of the project costs. (Section 5)

The bill provides that a vertiport operator is not liable for personal injury, wrongful death, property damage, or other economic loss related to acts or omissions in the performance of the vertiport operator's services unless the act or omission constitutes gross negligence or willful misconduct. This liability limitation applies only if the vertiport operator posts and maintains a clearly legible warning sign in a conspicuous location at the vertiport

which notifies the public of these liability protections. FDOT is required to adopt rules to implement these provisions. (Section 4)

The bill directs DOT to adopt a model vertiport siting code.[1] The bill requires FDOT to expeditiously approve vertiports that adopt this code once it is created. The bill also requires FDOT to establish vertiport demonstration corridors and adopt rules and regulations for coordination with relevant authorities such as the Federal Aviation Administration (FAA) and local government entities with respect to vertiports. (Sections 6 and 7)

The bill provides that the regulation of vertiport design, aircraft charging, aeronautical operations, and aviation safety is preempted to the state to ensure consistency with federal standards authorized by the FAA. Local land use and zoning authority, and reasonable noise compatibility ordinances, that do not effectively prohibit the operation of advanced mobility aircraft authorized by the FAA are exempt from this preemption. (Section 7)

The bill provides an effective date of July 1, 2026.

RULEMAKING:

The bill requires FDOT to adopt rules to implement the provisions of the bill that provide liability protections for vertiport operators. The bill also requires FDOT to adopt rules and regulations for coordination with relevant authorities such as the Federal Aviation Administration (FAA) and local government entities with respect to vertiports.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference has not yet met to determine the revenue impacts of the bill.

LOCAL GOVERNMENT:

The Revenue Estimating Conference has not yet met to determine the revenue impacts of the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Sales and Use Tax

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property,[2] admissions,[3] transient rentals,[4] and a limited number of services. Chapter 212, F.S., contains provisions authorizing the levy and

[1] "Vertiport" means 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, and 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. (Section 7)
[2] S. 212.07(2), F.S.
[3] S. 212.04(1)(b), F.S.
[4] S. 212.03(1)(a), F.S.

collection of Florida's sales and use tax, as well as exemptions and credits applicable to certain items or uses under specified circumstances. Sales and use tax is added to the price of a taxable good or service and collected from the purchaser at the time of sale.[5]

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.[6] A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined for purposes of Chapter 202."[7] The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered.[8]

Generally, tangible personal property that is sold in an isolated or occasional sale is exempt from the state sales and use tax.[9] A seller makes an isolated or occasional sale if the sale or series of sales occurs no more than twice during any 12-month period.[10] A seller is required to register as a dealer if he or she completes more than three sales of the same type of item during a 12-month period.[11] The sale of mobile homes, aircraft, boats, and motor vehicles are expressly excluded from the isolated or occasional state sales and use tax exemption.[12]

Florida Taxation of Aircraft

Aircraft purchased through a local dealer or broker are taxed as tangible personal property that is subject to a six percent sales tax at the time of the sale.[13] A discretionary local sales tax on up to the first $5,000 of the purchase price may also be added to the tax.[14]

An aircraft that is sold by a nonregistered dealer or an aircraft that is purchased in another state and brought into Florida for storage or use is subject to Florida's six percent use tax.[15]

Sales and Use Tax Exemptions for Aircraft

Common Carrier Exemptions: Sales and Lease Tax

Aircraft operated by a common carrier[16] that either have a maximum certified takeoff weight of more than 15,000 pounds, or are deemed "qualified aircraft" are exempt from Florida's sales and use tax.[17] A "qualified aircraft" is any aircraft that has a maximum certified takeoff weight of less than 10,000 pounds, is equipped with twin turbofan engines that meet Stage IV noise requirements, and is used by a business that operates as an on-demand air carrier which owns or leases a fleet of 25 or more aircraft in Florida.[18] In order to receive this sales and lease

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[5] S. 212.07(2), F.S.
[6] S. 212.055, F.S.
[7] S. 212.054(2)(a), F.S.
[8] Office of Economic Development and Demographic Research, Florida Tax Handbook, 242-243 (2024), available at https://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2024.pdf (last visited Jan. 23, 2026).
[9] Rule 12A-1.037(1), F.A.C. See also, s. 212.02(2), F.S., defining "business" as activity engaged in by a person with the object of private or public gain, benefit, or advantage.
[10] Rule 12A-1.037(3)(b), F.A.C.
[11] *Id*.
[12] *See* s. 212.05(1)(a)1.b., F.S., and Rule 12A-1.037(2)(a)1., F.A.C.
[13] S. 212.05(1), F.S.
[14] Florida Department of Revenue (DOR), Form GT-800008, Sales and Use Tax Aircraft Information for Owners and Purchasers (rev. July, 2023), available at https://floridarevenue.com/Forms_library/current/gt800008.pdf (last visited Jan. 23, 2026). See also, DOR, Sales and Use Tax Return for Aircraft- Form DR-15AIR (rev. Jan. 2016), available at https://floridarevenue.com/Forms_library/current/dr15air.pdf (last visited Jan. 23, 2026).
[15] S. 212.05(1)(a)(2), F.S. See also, DOR, Form GT-800008.
[16] "Common carrier" means an airline operating under Federal Aviation Administration regulations contained in Title 14 of the Federal Code of Regulations. S. 212.08(7), F.S.
[17] S. 212.08(7), F.S.
[18] S. 212.02(33), F.S.

tax exemption, the qualified aircraft must be offered for use in a flight training and research program at one or more Florida universities.[19]

Aircraft with a 15,000 pound maximum certified takeoff weight are also a qualified aircraft exempt from sales tax.[20]

Common Carrier Exemptions: Tax on Repair and Maintenance

Labor charges for the repair and maintenance of qualified aircraft and aircraft that weigh more than 2,000 pounds maximum certified takeoff weight are exempt from tax under ch. 212, F.S.[21] Similarly, replacement engines, parts, and equipment used to repair or maintain these aircraft are exempt from the tax imposed under ch. 212, F.S., if the repair occurs in Florida.[22]

To receive these exemptions for a qualified aircraft, a purchaser or lessee must offer, in writing, to participate in a flight training and research program with at least two Florida Universities that offer graduate programs in aeronautical or aerospace engineering and that offer flight training through a school of aeronautics or college of aviation.[23]

Fly-Away Exemption

If a nonresident purchases an aircraft in Florida and plans to remove the aircraft from the state, the purchase is exempt from sales tax pursuant to an exemption commonly referred to as the "fly-away exemption."[24] However, the nonresident purchaser must remove the aircraft from Florida within 10 days of its purchase.[25] Additionally, the aircraft cannot return to Florida for a total of more than 21 days during the six-month period after its date of purchase or otherwise appropriate departure from the state.[26]

The nonresident purchaser must provide the Florida Department of Revenue with proof of transport of the aircraft out of state and its registration (or application for registration) in a state other than Florida.[27]

Aircraft Repair and Maintenance

Labor charges and specific equipment used for the repair and maintenance of qualified aircraft and aircraft of more than 2,000 pounds maximum certified takeoff weight, including rotary wing aircraft, are exempt from the tax imposed under ch. 212, F.S.[28]

Additionally, nonresident purchasers of aircraft in Florida are exempt from Florida use tax for the duration of the aircraft's placement in a Florida registered repair facility for the purpose of repairs, alterations, refitting, or modification.[29] However, the nonresident aircraft must be removed from Florida within 20 days of completion of the repairs to maintain this exemption.[30]

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[19] S. 212.0801, F.S.
[20] S. 212.08(7), F.S.
[21] *Id*.
[22] *Id*.
[23] S. 212.0801, F.S.
[24] S. 212.08(7), F.S. and 212.05(1)(a)(2), F.S.
[25] S. 212.05(2)(a), F.S.
[26] S. 212.08(7), F.S.
[27] *See*, e.g., Rule 12A-1.007(10), F.A.C.
[28] S. 212.08(7), F.S.
[29] *Id*.
[30] S. 212.05(2)(f), F.S.

Advanced Air Mobility

Advanced air mobility (AAM) is an umbrella term for aircraft that are typically highly automated, electrically powered, and have vertical take-off and landing capability.[31]

Numerous uses for AAM are being explored, including air taxi, air cargo, or public services. Air taxi uses feature passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargo uses feature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are other catalysts for innovation in AAM.

FDOT is currently laying the groundwork to build an intercity AAM "Aerial Highway Network" to connect major metropolitan areas across Florida.[32] In addition to performing research and development at its SunTrax test facility to accelerate operational viability, FDOT is developing custom curriculums to establish unique requirements for licensing to safely operate within the AAM Network.[33]

SunTrax, located in Polk County, has been designated as the research and development testing hub of the Florida's AAM program.[34] 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.[35]

eVTOL Aircraft

The term "electric vertical takeoff and landing (eVTOL) aircraft" is not defined in Florida law. However, the term eVTOL aircraft generally refers to electric-powered aircraft that vertically take off and land. Similar to a helicopter, eVTOL aircraft hover and fly and are typically designed to carry two to six people, including a pilot.[36]

Vertiports

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.[37]

For the purposes of applying to the Florida Department of Commerce for funding to develop vertiports, Florida law currently defines the term "vertiport" as "a system or infrastructure with supporting services and equipment used for landing, ground handling, and takeoff of manned or unmanned vertical takeoff and landing (VTOL) aircraft."[38]

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[31] Federal Aviation Administration, *Advanced Air Mobility: Air Taxis*, https://www.faa.gov/air-taxis (last visited Jan. 27, 2026).
[32] 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 (last visited Jan. 27, 2026).
[33] *Id*.
[34] Central Florida Development Council, SunTrax Named Florida's Home for Advanced Air Mobility, Positioning Polk as Statewide Innovation Leader, https://www.cfdc.org/suntrax-named-floridas-home-for-advanced-air-mobility-positioning-polk-as-statewide-innovation-leader/ (last visited Jan. 23, 2026).
[35] SunTrax Air, https://suntraxfl.com/suntrax-air/ (last visited Jan. 23, 2026).
[36] Matthew Urwin, *Electricity-powered flying taxis are almost ready for liftoff*, December 3, 2024, available at: https://builtin.com/articles/evtol-aircraft (last visited Jan. 23, 2026).
[37] Federal Aviation Administration, *Advanced Air Mobility Infrastructure*, https://www.faa.gov/airports/new_entrants/aam_infrastructure (last visited Jan. 27, 2026).
[38] S. 288.102(d), F.S.

Florida Airport Development and Assistance Act

The Florida Airport Development and Assistance Act (FADAA)[39] provides FDOT with certain statutory duties regarding aviation development and assistance. These duties include providing financial and technical assistance to airports[40] and encouraging the maximum allocation of federal funds to local airport projects.[41]

For purposes of the FADAA, the term "public-use airport" means any publicly owned airport which is used or to be used for public purposes.[42] Further, the term "eligible agency" means a political subdivision of the state or an authority which owns or seeks to develop a public-use airport.[43]

FDOT's annual legislative budget request for aviation and airport development projects is based on the funding required for development projects in its aviation and airport work program. DOT must prioritize funding to support the planning, design, and construction of proposed projects by local sponsors, with special emphasis on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, and airport access transportation facility projects on airport property.[44]

FDOT is authorized to fund certain aviation and airport-related projects, subject to certain requirements and limits on airport funding from the State Transportation Trust Fund (STTF). Requirements can be based on the airport type, availability of federal funds, project type, and size of the airport.[45]

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities[46] that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects.[47] These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public.

Responsible public entities (RPEs)[48] may engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects[49] include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or city halls. RPEs must adhere to specific requirements, including protocols for reviewing and approving proposals.

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[39] S. 332.003-332.007, F.S.
[40] S. 332.006(4), F.S.
[41] S. 332.006(8), F.S.
[42] S. 332.004(14), F.S.
[43] S. 332.004(7), F.S.
[44] S. 332.007(4)(a), F.S.
[45] S. 332.007(7), F.S.
[46] "Private entity" means 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. S. 255.065(1)(g), F.S.
[47] S. 255.065(2)(b), F.S.
[48] "Responsible public entity" means 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. S. 255.065(1)(j), F.S.
[49] "Qualifying project" means a facility or project that serves a public purpose; an improvement, including equipment, 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 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. S. 255.065(1)(i), F.S.

Federal Airport Investment Partnership Program

The federal Airport Investment Partnership Program,[50] authorizes private companies to own, manage, lease, and develop public airports. Public airport sponsors and private operators may jointly manage an airport. The airport owner or leaseholder may be exempt from repayment of federal grants, return of property acquired with federal assistance, and the use of proceeds from the airport's sale or lease to be used exclusively for airport purposes.[51]

Tort Liability and Negligence

A "tort" is a wrong for which the law provides a remedy. The purpose of tort law is to fairly compensate a person harmed by another person's wrongful acts, whether intentional, reckless, or negligent, through a civil action or other comparable process. A properly-functioning tort system:

- Provides a fair and equitable forum to resolve disputes;
- Appropriately compensates legitimately harmed persons;
- Shifts the loss to responsible parties;
- Provides an incentive to prevent future harm; and
- Deters undesirable behavior.[52]

Negligence

"Negligence" is a legal term for a type of tort action that is unintentionally committed. In a negligence action, the plaintiff is the party that brings the lawsuit, and the defendant is the party that defends against it. To prevail in a negligence lawsuit, a 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's injury; and
- Plaintiff suffered actual damage or loss resulting from his or her injury.[53]

Degrees of Negligence

Courts distinguish varying degrees of civil negligence by using terms such as "slight negligence," "ordinary negligence," and "gross negligence." Slight negligence is the failure to exercise great care and often applies to injuries caused by common carriers charged with the duty to exercise the highest degree of care toward their passengers.[54] Ordinary negligence is the failure to exercise that degree of care which an ordinary prudent person would exercise; in other words, a course of conduct which a reasonable and prudent person would know might possibly result in injury to others.[55] Gross negligence is a course of conduct which a reasonable and prudent person knows would probably and most likely result in injury to another.[56] To prove gross negligence, a plaintiff must usually show that the defendant had knowledge or awareness of imminent danger to another and acted or failed to act with a conscious disregard for the consequences.[57] Once proven, gross negligence may support a punitive damages award.[58]Beyond gross negligence are several other degrees of misconduct, such as "recklessness" and "intentional actions."[59]

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[50] 49 U.S.C. s. 47134, the program was previously known as the Airport Privatization Pilot Program.
[51] Federal Aviation Administration, *Airport Investment Partnership Program*, formerly Airport Privatization Pilot Program, https://www.faa.gov/airports/airport_compliance/privatization (last visit Jan. 23, 2026).
[52] Am. Jur. 2d Torts s. 2
[53] Florida Practice Series s. 1.1; *see Barnett v. Dept. of Financial Services*, 303 So. 3d 508 (Fla. 2020)
[54] *See Faircloth v. Hill*, 85 So. 2d 870 (Fla. 1956); *see also Holland America Cruises, Inc. v. Underwood*, 470 So. 2d 19 (Fla. 2d DCA 1985); *Werndli v. Greyhound Corp.*, 365 So. 2d 177 (Fla. 2d DCA 1978); 6 Florida Practice Series s. 1.2.
[55] 43 *See De Wald v. Quarnstrom*, 60 So. 2d 919 (Fla. 1952); *see also Clements v. Deeb*, 88 So. 2d 505 (Fla. 1956); 6 Florida Practice Series s. 1.2.
[56] *See Clements*, 88 So. 2d 505; 6 Florida Practice Series s. 1.2.
[57] *See Carraway v. Revell*, 116 So. 2d 16 (Fla. 1959).
[58] Punitive damages are awarded in addition to actual damages to punish a defendant for behavior considered especially harmful. Florida generally caps punitive damage awards at $500,000 or triple the value of compensatory damages, whichever

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.[60]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[61] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[62] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[63] 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.[64]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee			Keating	Dallas
Ways & Means Committee				
Transportation & Economic Development Budget Subcommittee				
Commerce Committee				

is greater, and caps cases of intentional misconduct with a financial motivation at two million dollars or four times the amount of compensatory damages, whichever is greater. S. 768.73(1), F.S.

[59] *See Glaab v. Caudill*, 236 So. 2d 180 (Fla. 2d DCA 1970); 6 Florida Practice Series s. 1.2; s. 768.72(2), F.S.

[60] 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 Jan. 25, 2026).

[61] *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).

[62] *Mulligan*, 934 So. 2d at 1243.

[63] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

[64] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

A bill to be entitled

An act relating to advanced air mobility; providing a short title; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for electric vertical takeoff and landing aircraft and related items; amending s. 255.065, F.S.; revising the definition of the term "qualifying project"; creating s. 330.412, F.S.; defining the term "vertiport"; providing immunity from liability for certain vertiport operators; providing applicability; requiring the Department of Transportation to adopt rules; amending s. 332.007, F.S.; revising the definition of the term "airport infrastructure"; authorizing the department to fund up to specified percentages of vertiport project costs; amending s. 332.15, F.S.; providing requirements for the department; creating s. 332.151, F.S.; defining the term "vertiport"; requiring the department to expeditiously approve certain vertiports; preempting the regulation of vertiport design, aeronautical operations, and aviation safety to this state; providing exceptions; preempting the regulation of electric aircraft charging stations and associated infrastructure to this state; prohibiting a local governmental entity from enacting or enforcing certain

ordinances and regulations; providing requirements for local governmental entities; providing an effective date.

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

Section 1. This act may be cited as the "Advanced Air Mobility Competitiveness and Infrastructure Act."

Section 2. Paragraph (ffff) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has

obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ffff) Electric vertical takeoff and landing aircraft and related items.—The sale of the following is exempt from the tax imposed by this chapter:

1. Electric vertical takeoff and landing aircraft, batteries, and training devices placed into service for at least 36 months.

2. Electricity used for electric vertical takeoff and landing aircraft training operations.

Section 3. Paragraph (i) of subsection (1) of section 255.065, Florida Statutes, is amended to read:

255.065 Public-private partnerships.—

(1) DEFINITIONS.—As used in this section, the term:

(i) "Qualifying project" means:

1. A facility or project that serves a public purpose, including, but not limited to, 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;

2. An improvement, including equipment, 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;

3. A water, wastewater, or surface water management facility or other related infrastructure; ~~or~~

4. Notwithstanding any provision of this section, 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 pursuant to this section; or

5. Vertiports and charging systems.

Section 4. Section 330.412, Florida Statutes, is created to read:

330.412 Limitation of liability for certain public or private vertiport operators.—

(1) For purposes of this section, the term "vertiport" has the same meaning as in s. 332.151(1).

(2) A vertiport operator is not liable for any personal injury, wrongful death, property damage, or other economic loss related to his or her acts or omissions in the performance of his or her services unless the act or omission constituted gross negligence or willful misconduct.

(3) The limitation of liability provided in subsection (2) applies only if the vertiport operator posts and maintains a clearly legible warning sign in a conspicuous location at the vertiport which notifies the public of the liability protections afforded under this section.

(4) The Department of Transportation shall adopt rules to implement this section.

Section 5. Paragraph (c) of subsection (2) of section 332.007, Florida Statutes, is amended, and paragraph (e) is added to subsection (6) of that section, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)

(c) Each commercial service airport as defined in s. 332.0075 shall establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable condition. For purposes of this paragraph, 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. The term includes vertiport pads, safety zones, charging systems, grid upgrades, and resilience energy systems. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the department and maintained by the airport for at least 5 years. The comprehensive airport infrastructure program must, at a minimum, include all of the following:

1. Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to undisrupted commercial or cargo operations.

2. A preventative maintenance program for routine maintenance of airport infrastructure, for both commercial and cargo operations.

3. A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for

completion of the work.

4. A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for completion, changes in cost estimates, and reasons any inspection, preventative maintenance, or repair or rehabilitation did not take place.

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public-use airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(e) When federal funds are not available, the department may fund up to 100 percent of the project costs of a public or private vertiport. If federal funds are available, the department may fund up to 80 percent of the nonfederal share of such project costs.

Section 6. Subsection (5) is added to section 332.15, Florida Statutes, to read:

332.15 Advanced air mobility.—The Department of Transportation shall:

(5) Create a model vertiport siting code, establish vertiport demonstration corridors, and adopt rules and

regulations for coordination among the department, the Federal Aviation Administration, and local governmental entities with respect to vertiports.

Section 7. Section 332.151, Florida Statutes, is created to read:

332.151 Vertiport siting; preemption.—

(1) The term "vertiport" means 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, and 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.

(2) The Department of Transportation shall expeditiously approve vertiports adopting the model vertiport siting code created pursuant to s. 332.15(5).

(3) The regulation of vertiport design, aeronautical operations, and aviation safety is preempted to this state to ensure consistency with federal regulations. This subsection does not apply to local land use and zoning authority, or to reasonable noise compatibility ordinances, provided such local regulations do not effectively prohibit the operation of

advanced air mobility aircraft authorized by the Federal Aviation Administration.

(4)(a) The regulation of electric aircraft charging stations and associated infrastructure is preempted to this state.

(b) A local governmental entity may not enact or enforce an ordinance or regulation related to the design, construction, or installation of electric aircraft charging stations.

(c) Local governmental entities shall issue any required building permits for electric aircraft charging stations based solely upon compliance with the standards established by the Department of Transportation under s. 332.15(5).

(d) If a local governmental entity does not approve or deny a permit application for an electric aircraft charging station within 15 business days after receipt of a complete application, the application shall be deemed approved.

Section 8. This act shall take effect July 1, 2026.

Economic Infrastructure Subcommittee

HB 1093 by Rep. Spencer
Advanced Air Mobility

AMENDMENT SUMMARY
January 28, 2026

Amendment #242847 by Rep. McFarland (line 99):

- Provides that vertiports that are collocated with a public airport are entitled to sovereign immunity to the same extent as a public airport operator.
- Provides for future legislative review and repeal of the bill's liability immunity provisions.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative McFarland offered the following:

Amendment (with title amendment)

Remove lines 99-114 and insert:

330.412 Limitation of liability for certain public vertiport operators.—

(1) For purposes of this section, the term "vertiport" has the same meaning as in s. 332.151(1).

(2) For vertiports that are colocated with a public airport, the vertiport operator shall be considered an agency or subdivision of this state for purposes of s. 768.28 and is entitled to sovereign immunity to the same extent as a public airport operator.

(3) This section expires July 1, 2036, unless reviewed and saved from repeal through reenactment by the Legislature.

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

Remove lines 9-12 and insert:
providing sovereign immunity for certain vertiport operators; providing for future legislative review and repeal; amending s. 332.007, F.S.; revising the

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1461	**COMPANION BILL:** SB 1696 (McClain)
TITLE: Advanced Nuclear Reactors	**LINKED BILLS:** None
SPONSOR(S): Miller and Gentry	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Budget ➤ Commerce

SUMMARY

Effect of the Bill:
The bill authorizes the Florida Public Service Commission (PSC) to regulate advanced nuclear reactors (ANRs) and related nuclear materials, and addresses several areas of state policy related to the promotion and development of energy resources. Specifically, the bill:

- Requires the PSC to regulate ANRs, the possession and use of nuclear materials, and safety and construction standards for the development and operation of ANRs.
- Requires the PSC, the Florida Department of Health (FDOH), and the Florida Department of Environmental Protection (FDEP) to jointly establish criteria for the certification of laboratories that use nuclear materials for developing technology for nuclear power plants.
- Authorizes, subject to certain conditions, the possession of nuclear materials for the research, design, testing, construction, and operation of ANRs.
- Includes the promotion of nuclear resources as a consideration in Florida's energy policy, electric utility planning, and the PSC's determination of need for new electrical power plants.
- Provides that an entity producing electricity from an off-grid ANR for consumption by a single customer is not considered a public utility subject to the PSC's jurisdiction.
- Provides that ANRs are not subject to the Power Plant Siting Act, under certain conditions.

Fiscal or Economic Impact:
The bill appears to have a negative impact on state government expenditures. The PSC will be required to expend resources to implement its new responsibilities under the bill. The bill may encourage the development of new ANRs in Florida.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses several areas of state policy related to nuclear energy promotion and development, utility regulation, and the regulation of nuclear power plants and nuclear materials.

Nuclear Regulation

The bill grants the Florida Public Service Commission (PSC) sole authority to regulate advanced nuclear reactors (ANRs) in this state and requires the PSC to do the following, at a minimum:

- Evaluate and approve designs for ANRs.
- Issue permits for the possession, transportation, transfer, and use of nuclear materials in sufficient quantities to facilitate ANR research, design, testing, construction, and operation.
- Prescribe safety and construction standards for the use of nuclear materials in the development and operation of ANRs. (Section 1)

The bill defines the term "advanced nuclear reactor" to mean a nuclear fusion[1] reactor, or a nuclear fission[2] reactor that uses new or significantly improved designs compared to commercial nuclear reactors in operation as of January 1, 2021, including improvements such as:

- Inherent or passive safety features;
- Lower waste yields;
- Improved fuel performance or efficiency;
- Significantly improved designs, materials, fuels, or cooling systems;
- Reduced consumption of cooling water and other environmental impacts; or
- Flexibility in operational output or ability to integrate into electric or nonelectric applications. (Section 1)

The bill requires the PSC, the Florida Department of Health (FDOH), and the Florida Department of Environmental Protection (FDEP) to jointly establish criteria for the certification of laboratories that use nuclear materials for the purpose of researching, designing, testing, or otherwise developing technology for nuclear power plants as provided in the bill. (Section 1)

The bill authorizes a person, corporation, or entity to possess nuclear materials for the research, design, testing, construction, and operation of ANRs. However, the bill prohibits the possession of nuclear materials in quantities that pose a danger to national defense and security or public health and safety, except for active military personnel or contractors acting pursuant to a lawful military order. (Section 1)

The bill requires an ANR research facility operator to obtain a permit from the PSC for the use and storage of nuclear materials for the purpose of research and testing. The bill also requires a permit for the transfer, receipt, possession, use, or disposal of nuclear materials relating to the operation of ANRs. Before issuing such permits, the PSC must determine that the facility or reactor is equipped with radiation control devices that will abate or prevent radiological contamination in compliance with the standards and rules established under the bill. (Section 1)

The bill requires any construction or significant design modification of an ANR to be certified by the PSC before such construction or modification may begin. Such construction or significant design modification must include radiation control devices that will abate or prevent radiological contamination in compliance with the standards and rules established under the bill. The bill requires the PSC, before issuing such a certification, to consider, at a minimum, all of the following:

- The extent to which the design will effectively mitigate and prevent danger to the public health and safety.
- The compliance of the design with the safety standards prescribed by the commission.
- The ability of the design to address known or reasonably foreseeable risks, including system failures, accidents, natural disasters, and extreme weather events.
- The completeness and accuracy of engineering calculations and testing data for the design.
- The ability of the design to promote the efficient and sustainable use of water and other natural resources. (Section 1)

The bill provides that the PSC may grant a reciprocal permit or certification to applicants who receive a permit or certification from another state or federal agency, provided the safety standards of the other jurisdiction are no less stringent than the standards and rules established under the bill. (Section 1)
The bill establishes a civil penalty of up to $100,000 per day for any violation of the provisions of the bill or rules adopted under the bill, with a maximum penalty of $1 million for any related series of violations. (Section 1)

[1] "Fusion" occurs when two atoms slam together to form a heavier atom, like when two hydrogen atoms fuse to form one helium atom, creating huge amounts of energy without producing highly radioactive byproducts. *See* U.S. Dep't of Energy (USDOE), *Fission and Fusion: What is the Difference?*, https://www.energy.gov/ne/articles/fission-and-fusion-what-difference (last visited Jan. 26, 2026).
[2] "Fission" occurs when a neutron collides with a larger atom, forcing it to excite and split into two smaller atoms, releasing a tremendous about of energy. *Id.*

The bill requires the PSC, after consultation with FDOH and FDEP, to adopt rules to implement the provisions of the bill related to the regulation of nuclear material and certification of nuclear facilities. In developing the rules, the PSC must refer to the provisions of law and agency rules adopted under ch. 403, part II, F.S., which includes the Florida Electrical Power Plant Siting Act (PPSA),[3] the Florida Electric Transmission Siting Act,[4] and the PSC's determination of need for electrical power plants.[5]

Energy Policy and Utility Regulation

Energy Policy

The bill amends Florida's state energy policy[6] to provide that it is the state's policy to encourage the research, development, demonstration, and application of domestic advanced nuclear energy resources. (Section 5)

The bill further provides that it is the intent of the Legislature to promote the development of clean energy and protect the economic viability of Florida's existing clean energy and protect the economic viability of Florida's existing clean energy facilities. The bill defines "clean energy" to mean energy produced by nuclear reactors as well as renewable energy and renewable natural gas. The bill also requires all electric utilities to develop standards for the promotion, encouragement, and expansion of the use of clean energy resources, and to file an annual report with the PSC identifying such standards. (Section 4)

Ten-year Site Plans

The bill requires the PSC, in reviewing whether a utility's ten-year site plan is suitable, to consider:

- The amount of nuclear energy resources the utility produces or purchases.
- The amount of nuclear energy resources the utility plans to produce or purchase over the 10-year planning horizon and the means by which the production or purchases will be achieved. (Section 2)

Utility Regulation

The bill provides that an entity other than an electric utility[7] that produces electricity from an ANR is not considered a public utility subject to the ratemaking jurisdiction and monopoly territory protection of the PSC, provided that the ANR:

- Is not interconnected to the state's electrical power grid.
- Produces electricity for consumption by a single consumer. (Section 3)

Power Plant Siting

The bill provides that the PPSA does not apply to the following, unless the applicant elects to apply for certification under the act:

- Capacity expansions of 75 megawatts or less, in the aggregate, of one or more ANRs installed within the boundaries of an electrical power plant site previously certified under the act.
- One or more ANRs to be located within the boundaries of an electrical power plant site previously certified under this act, provided that:
    - The ANR or ANRs are intended to replace an existing electrical power plant located on the site.
    - The certificate holder intends to retire the existing electrical power plant from service.
    - The gross capacity of the ANR or ANRs, in the aggregate, does not exceed the gross capacity of the electrical power plant to be retired.

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[3] Ss. 403.501-403.518, F.S., are known collectively as the "Florida Electrical Power Plant Siting Act."
[4] Ss. 403.52-403.5365, F.S., are known collectively as the "Florida Electric Transmission Line Siting Act."
[5] Ss. 403.519 and 403.537, F.S., address the PSC's determination of need for electrical power plants and electric transmission lines, respectively.
[6] S. 377.601, F.S.
[7] Florida law defines the term "electric utility" to mean any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state. S. 366.02(4), F.S.

- One or more ANRs that are not interconnected to the state's electrical power grid and that are owned and operated by a non-utility entity for purposes of producing power for its own consumption or for use by a single consumer of electrical power. (Section 6)

The bill requires the PSC, in making a determination of need for an electrical power plant subject to the PPSA, to take into account whether nuclear resources are used to the extent available. The bill removes the requirement that the PSC take into consideration the use of renewable energy resources and technologies. (Section 7)

The bill provides an effective date of July 1, 2026. (Section 8)

RULEMAKING:

The bill requires the PSC, FDOH, and FDEP to jointly establish criteria for the certification of laboratories that use nuclear materials for the purpose of researching, designing, testing, or otherwise developing technology for nuclear power plants as provided in the bill.

The bill requires the PSC to adopt rules to implement the provisions of the bill related to the regulation of nuclear material and certification of nuclear facilities.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill appears to have a negative impact on state government expenditures. The PSC will be required to expend resources to implement its new responsibilities under the bill.

PRIVATE SECTOR:

The bill may encourage the development of new ANRs in Florida.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Regulation of Nuclear Energy and Nuclear Material

Nuclear Regulation in the US

The United States federal government maintained a complete monopoly on the use, control, and ownership of nuclear technology until 1954 when, through passage of the Atomic Energy Act of 1954 (AEA), it authorized private development of nuclear technology for peaceful purposes, such as nuclear power for generating electricity.[8] In the AEA, Congress declared that the development, use, and control of atomic energy shall be directed toward two primary purposes: first, "to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense"; and second, "to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise and security."[9]

[8] Jason O. Heflin, Congressional Research Service (CRS), *State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act (AEA)*, Nov. 1, 2023, at page 4, available at https://www.congress.gov/crs_external_products/R/PDF/R41984/R41984.7.pdf (last visited Jan. 24, 2026).
[9] *See* Atomic Energy Act of 1954, 42 U.S.C. § 2011, et seq. (2024).

The AEA created the Atomic Energy Commission (AEC), which exercised exclusive jurisdiction over the license, transfer, delivery, acquisition, possession, and use of all nuclear materials, but left to the states the established jurisdiction over the generation, sale, or transmission of electric power.[10]

In 1959, Congress amended the AEA to expand state-level jurisdiction over certain nuclear materials and nuclear power.[11] Under the amended AEA, the AEC could enter into agreements with states to relinquish regulatory authority over certain nuclear materials not capable of creating, and materials not in quantities sufficient to create, a nuclear chain reaction.[12] Agreement States[13] were permitted to assert increased regulatory authority in limited circumstances and with permission from the AEC. However, the amended AEA explicitly retained to the AEC jurisdiction over the construction and operation of nuclear power plants as well as the disposal of certain nuclear materials deemed by the AEC potentially hazardous.[14] Additionally, the AEA continued to allow states to regulate power generation and activities for purposes other than protection against radiation hazards.[15]

U.S. Nuclear Regulatory Commission (NRC)

In 1974, the AEC was replaced by its successor agency, the U.S. Nuclear Regulatory Commission (NRC).[16] The NRC is tasked to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment.[17] Its mission is to protect public health and safety and advance the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment.[18] The NRC's regulatory jurisdiction extends to three primary areas:

- Reactors: Commercial nuclear power plants for generating electric power and research and test reactors used for research, testing, and training.
- Materials: Uses of nuclear material in medical, industrial, and academic settings and facilities that produce nuclear fuel.
- Waste: Transportation, storage, and disposal of nuclear materials and waste, and decommissioning of nuclear facilities from service.[19]

The NRC's primary responsibility is to protect the health and safety of the public.[20] Its regulatory functions include establishing standards and regulations, issuing licenses for nuclear facilities and users of nuclear materials, and inspecting facilities and users of nuclear materials to ensure compliance with its requirements.[21]

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[10] *Id.*

[11] CRS, *State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act (AEA)*, *supra* note 8, at page 4.

[12] *Id.*

[13] States that enter an agreement under the AEA to take regulatory jurisdiction over certain nuclear materials are known as "Agreement States." Florida law defines the term "agreement state" in s. 404.031(2), F.S., to mean any state which has consummated an agreement with the NRC under the authority of s. 274 of the Atomic Energy Act of 1954, as amended, as authorized by compatible state legislation providing for acceptance by that state of licensing authority for agreement materials and the discontinuance of such activities by the NRC.

[14] CRS, *State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act (AEA)*, *supra* note 8, at page 5.

[15] *Id.*

[16] Nuclear Regulatory Commission (NRC), *About NRC*, https://www.nrc.gov/about-nrc (last visited Jan. 24, 2026).

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] NRC, *NRC—Independent Regulator of Nuclear Safety*, https://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0164/index (last visited Jan 24, 2026).

[21] *Id.*

Nuclear Materials

The AEA distinguishes between different categories of nuclear material for regulatory purposes, including special nuclear material, source material, byproduct material, and radium. Congress included in the AEA a clause that states:

> Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public.[22]

Special nuclear material (SNM) includes plutonium, uranium-233, and uranium enriched in the isotopes uranium-233 or uranium-235.[23] SNMs do not occur naturally but are produced by the irradiation of certain nuclear material in nuclear reactors and could be extracted from used nuclear fuel by chemical separation.[24] SNM is only mildly radioactive, but it includes certain isotopes that, in concentrated form, could be used as the primary ingredients of nuclear explosives. These materials, in amounts greater than formula quantities, are defined as "strategic special nuclear material" (SSNM).[25]

Source material includes most uranium and thorium ores and product resulting from the mining and milling processes.[26] Source material can also be generated as a side product during the refining of ores mined for other precious metals.[27] Source material is used for a variety of private commercial applications, including as fuel for nuclear reactors, production of metals used to make capacitors for electronic devices, and the manufacture of certain industrial and military products.[28] One source material, natural uranium, contains uranium-235, a material that can be concentrated (enriched) to make highly enriched uranium, the primary ingredient of some nuclear explosive designs.[29]

Byproduct materials include various materials, some of which are regulated and some exempt from regulation, and can be used for a variety of applications, including commercial, medical, and research activity.[30] Under the AEA, Agreement States can exercise regulatory authority over byproduct material, but the NRC retains authority in other states.[31]

NRC Agreement State Program

The AEA allows states to establish regulatory programs to assume authority to license and regulate byproduct materials (radioisotopes), source materials (uranium and thorium), and certain quantities of special nuclear materials.[32] To transfer authority to a state, the AEA requires an agreement signed by the Governor of the state and the Chairman of the NRC.[33]

As part of its regulatory oversight of Agreement States, the NRC conducts training courses and workshops, evaluates technical licensing and inspection issues, evaluates state rule changes, and provides early and substantive involvement of the states in NRC rulemaking and other regulatory efforts.[34] The NRC also coordinates

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[22] NRC, *Special Nuclear Material*, https://www.nrc.gov/materials/types/sp-nucmaterials (last visited Jan. 24, 2026).
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] NRC, *Source Material*, https://www.nrc.gov/materials/types/srcmaterial (last visited Jan. 24, 2026).
[27] *Id.*
[28] *Id.*
[29] *Id.*
[30] NRC, *Byproduct Material*, https://www.nrc.gov/materials/types/byproduct-mat (last visited Jan. 24, 2026).
[31] *Id.*
[32] NRC, *Agreement State Program*, https://www.nrc.gov/about-nrc/state-tribal/agreement-states (last visited Jan. 24, 2026).
[33] *Id.*
[34] *Id.*

with Agreement States the reporting of event information and responses to allegations reported to NRC involving Agreement States.[35]

Florida became an Agreement State in 1964.[36] The FDOH's Bureau of Radiation Control is the primary state office that administers the Agreement State program in Florida and oversees the licensing and control of nuclear materials and facilities.[37] The Florida Division of Emergency Management implements NRC directives with respect to radiological emergencies.[38] In its last periodic review of Florida's Agreement State program, the NRC found Florida's performance to be adequate to protect public health and safety but not compatible with the NRC's program due in part to delayed implementation of recent NRC requirements.[39]

Recent Federal Activity to Promote Nuclear Energy

More recently, the AEA was amended again in 2024 when Congress passed the "Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024," also known as the "ADVANCE Act."[40] The ADVANCE Act revised the NRC's mission and responsibilities to prioritize regulatory efficiency and to support the development of nuclear energy in several ways, including decreasing licensing application fees for advanced reactors, increasing staffing for NRC reviews, providing for prize awards for deployment, and eliminating costs associated with pre-application activities and early site permits at U.S. Department of Energy (USDOE) sites.[41] The ADVANCE Act also requires 25-month deadlines for NRC license issuance after receiving an application, requires the NRC to develop guidance to license and regulate microreactor designs, and increases permitting speed for certain sites.[42]

In 2025, President Donald J. Trump issued Executive Orders directed toward reforming nuclear energy policy on the federal level:

- **Executive Order 14299: Deploying Advanced Nuclear Reactor Technologies for National Security:**
  - This order established a comprehensive national security policy focused on accelerating the development, deployment, and export of U.S.-designed advanced nuclear technologies. The policy aims to ensure rapid development and deployment of advanced nuclear technologies to support national security objectives, enable private sector investment and innovation, and coordinate regulatory efforts across the U.S. Department of War and the USDOE.
- **Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission:**
  - This order initiated a comprehensive reform of the NRC with a goal of deploying new nuclear reactor technologies and expanding U.S. nuclear energy capacity from approximately 100 GW in 2024 to 400 GW by 2050. The order directed the NRC to undergo significant structural and operational reforms, including reorganization, potential reductions in its workforce, and a wholesale revision of regulations and guidance documents to be completed by November of 2026.

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[35] *Id.*

[36] *See* U.S. Atomic Energy Commission, *Agreement Between the Atomic Energy Commission and the State of Florida, Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State*, available at https://bmswnrcgovsamediaprd.blob.core.windows.net/prd/libraries/media/nrcweb/nmss/pdf/flagreements.pdf (last visited Jan, 24, 2026); *see also* s. 404.061(1), F.S. (authorizing the Governor to enter into agreements with the Federal Government which provide for the assumption by certain responsibilities with respect to sources of ionizing radiation).

[37] NRC, *Florida: Agreement State Information*, https://www.nrc.gov/agreement-states/florida (last visited Jan. 26, 2026).

[38] S. 252.60, F.S.

[39] NRC, *Integrated Materials Performance Evaluation Program Review of the Florida Agreement State Program: Final Report*, June 12-16, 2023, available at https://www.nrc.gov/docs/ML2328/ML23289A168.pdf (last visited Jan. 26, 2026). In its review, the NRC found Florida's performance satisfactory for Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, Technical Quality of Incidents and Allegation Activities, and Sealed Source and Device Evaluation; but found it unsatisfactory for Legislation, Regulations, and other Program Elements.

[40] Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024, Pub. L. No. 118-67, 118th Cong. (July 9, 2024).

[41] PSC, *Advanced Nuclear Power Feasibility Report*, Mar. 31, 2025, at page 47, available at https://www.floridapsc.com/pscfiles/website-files//PDF/Home/Advanced%20Nuclear%20Power%20Feasibility%20Report.pdf (last visited Jan. 26, 2026).

[42] *Id.*

The order redefined the NRC's mission to include facilitating nuclear power while ensuring reactor safety and required the NRC to consider the benefits of nuclear power to economic and national security alongside traditional safety, health, and environmental considerations.

- **Executive Order 14301: Reforming Nuclear Reactor Testing at the Department of Energy:**
  - This order sought to reform nuclear reactor testing at the USDOE and accelerate the development of advanced nuclear technologies for domestic production. The order established a comprehensive framework to expedite the review, approval, and deployment of advanced reactors within the USDOE's jurisdiction. The order also mandated environmental review reforms under the National Environmental Policy Act (NEPA) and directed the use of all available authorities to eliminate or expedite environmental reviews for various permits and approvals.
- **Executive Order 14302: Reinvigorating the Nuclear Industrial Base:**
  - This order aimed to reinvigorate America's nuclear energy industrial base in an effort to ensure national and economic security. The order established a comprehensive policy to expedite and promote nuclear energy production and operation to provide affordable, reliable, safe, and secure energy to the American people. It also aimed to power ANR technologies and build associated supply chains that secure global industrial and digital dominance, while achieving energy independence. The order required the U.S. Secretary of Energy to develop plans for expanding domestic uranium conversion and enrichment capabilities and prioritized work with the nuclear industry to facilitate 5 gigawatts of power uprates to existing reactors and have 10 new large reactors under construction by 2030.[43]

Preemption in Nuclear Regulation

The legal doctrine of preemption is derived from the constitutional principle that federal law takes precedence over inconsistent state law. The "Supremacy Clause" of the U.S. Constitution states: "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."[44] Thus, a federal law will prevail over an inconsistent state law. However, a state law need not be utterly incompatible with federal law in order to be preempted.[45] Courts interpret the Supremacy Clause to conclude that where Congress has expressed an intent to displace state authority within a given subject matter by establishing exclusive federal authority, state action in the field is thereby preempted.[46]

While courts have recognized the AEA to grant the NRC exclusive authority over radiological safety related to the construction and operation of nuclear power plants, the precise extent of preemption over state law is unclear.[47] Some states have sought to assert authority over nuclear power production by directing laws at the initial determination of whether a need for nuclear power exists or whether nuclear power is economically feasible.[48]

Texas, et al. v. NRC

One recent attempt to clarify the precise boundary of federal-state authority is a lawsuit[49] filed on December 30, 2024, against the NRC by various states and private industry entities.[50] The state of Florida joined the lawsuit on April 7, 2025.[51] The lawsuit alleges that certain ANRs fall outside the scope of the NRC's original authority, and that

[43] PSC, *Advanced Nuclear Update*, at pages 1-2, available at https://www.floridapsc.com/pscfiles/website-files//PDF/Home/AdvancedNuclearUpdate.pdf (last visited Jan. 16, 2026). *See also* The White House, *Executive Orders*, https://www.whitehouse.gov/presidential-actions/executive-orders (last visited Jan. 26, 2026).
[44] U.S. Const. art. VI, cl. 2.
[45] CRS, *State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act (AEA)*, *supra* note 8, at page 2.
[46] *Id.*
[47] *Id.* at 12.
[48] *Id.*
[49] *Texas v. NRC*, Case No. 6:24-cv-00507-JDK (E.D. Tex.).
[50] PSC, *Advanced Nuclear Update*, *supra* note 43, at page 8.
[51] *Id.* at 9.

by requiring smaller, less hazardous reactors to comply with the same regulations as traditional reactors, the NRC has overstepped its jurisdiction.[52] After issuance of the Trump administration's executive orders supporting nuclear energy, the court granted a stay to permit the parties to discuss a potential path forward without further litigation.[53] That case is still pending.

Advanced Nuclear Reactors (ANRs)

An advanced nuclear reactor (ANR) is a term that describes a category of nuclear technology that maintains the benefits of existing technology while offering improved safety, scaling, and output features, as well as increased industrial applications and additional use cases.[54]

ANR designs seek to use combinations of new and existing technologies and materials to improve upon earlier generations of nuclear reactors in one or more of the following areas: cost, safety, security, waste management, and versatility.[55] To achieve these improvements, advanced designs may incorporate one or more of the following characteristics: inherent or passive safety features, simplified or modular designs, enhanced load-following capabilities, high-temperature stability, fast neutron spectrums, and "closed" fuel cycles.[56] ANRs also fall under sub-categories based on their output capacity:

- Microreactor: < 50 Megawatts (MW)
- Small (SMR): 50-300 MW
- Medium: 300-600 MW
- Large: >600 MW[57]

Some ANRs have standardized or modular designs and are commonly referred to as small modular reactors (SMRs). SMRs can be factory built, have a smaller site footprint once installed, and can be incrementally scaled by installing additional units in sequence.[58] While a number of SMRs are in the process of seeking certification, the NRC has approved only one SMR design, the NuScale Power Module, which was approved by the NRC in 2023.[59]

Currently, there are three large ANR designs certified by the NRC: Korea Electric Power Corporation's Advanced Power Reactor 1400 (APR1400), GE Hitachi's Economic Simplified Boiling Water Reactor (BWR), and Westinghouse's AP1000.[60] The AP1000 is the only large ANR presently in commercial service in the U.S., located at Plant Vogtle in Georgia.[61]

Florida Public Service Commission (PSC)

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[62] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[63] The PSC exercises regulatory authority over utilities in the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety,

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[52] *Id.* at 8-9.
[53] *Id.*
[54] PSC, *Advanced Nuclear Power Feasibility Report*, *supra* note 41, at page 19.
[55] CRS, *Advanced Nuclear Reactors: Technology Overview and Current Issues*, Feb. 17, 2023, at page 7, available at https://www.congress.gov/crs_external_products/R/PDF/R45706/R45706.7.pdf (last visited Jan. 16, 2026).
[56] *Id.*
[57] PSC, *Advanced Nuclear Power Feasibility Report*, *supra* note 41, at page 19.
[58] *See, e.g.*, NuScale, *NuScale Power Module*, https://www.nuscalepower.com/products/nuscale-power-module (last visited Jan. 26, 2026).
[59] USDOE, *NRC Certifies First U.S. Small Modular Reactor Design*, Jan. 20, 2023, https://www.energy.gov/ne/articles/nrc-certifies-first-us-small-modular-reactor-design (last visited Jan. 26, 2026).
[60] PSC, *Advanced Nuclear Power Feasibility Report*, *supra* note 41, at page 21.
[61] *Id.*
[62] S. 350.001, F.S.
[63] *See* PSC, *PSC Homepage*, http://www.psc.state.fl.us (last visited Jan. 26, 2026).

reliability, and service issues.[64] In carrying out its duties, the PSC sets rates and charges for investor-owned electric, natural gas, water, and wastewater utilities;[65] approves territorial agreements and resolves service area disputes among electric and natural gas utilities;[66] certifies service areas for water and wastewater utilities;[67] and oversees carrier-to-carrier relationships and related interconnection agreements to prevent anticompetitive behavior in the telecommunications sector.[68] In 2024, the PSC regulated four investor-owned electric companies, five investor-owned natural gas utilities, and 153 investor-owned water and wastewater utilities, and exercised competitive market oversight over 276 telecommunications companies operating in the state.[69]

The PSC consists of five Commissioners selected for their knowledge and competence in one or more fields substantially related to the duties and functions of the PSC, including economics, accounting, engineering, finance, natural resource conservation, energy, public affairs, and law.[70] Assisting the Commissioners in evaluating petitions and proceedings before it, the PSC has a staff comprised of various divisions with particular areas of expertise, including engineering, economics, accounting and finance, and law.[71]

The PSC's operations are funded through the Florida Public Service Regulatory Trust Fund, and each utility regulated by the PSC is required to pay a regulatory assessment fee twice a year that, to the extent practicable, is related to the PSC's cost of regulating that type of company.[72] While the PSC's budget is set annually by the Legislature, the PSC does not receive any funding from the General Revenue Fund.[73]

Florida Department of Health (FDOH)

The Florida Department of Health (FDOH) was created for the purpose of protecting and promoting the health of all residents and visitors in the state through organized state and community efforts.[74] FDOH's primary tasks are to:

- Identify, diagnose, and conduct surveillance of diseases and health conditions in the state and accumulate the health statistics necessary to establish trends.
- Implement interventions that prevent or limit the impact or spread of diseases and health conditions.
- Collect, manage, and analyze vital statistics and other health data to inform the public and formulate public health policy and planning.
- Maintain and coordinate preparedness for and responses to public health emergencies in the state.
- Provide or ensure the provision of quality health care and related services to identified populations in the state.
- Regulate environmental activities that have a direct impact on public health in the state.
- Regulate health practitioners for the preservation of the health, safety, and welfare of the public.[75]

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[64] PSC, *About the PSC*, https://www.psc.state.fl.us/about (last visited Jan. 26, 2026).
[65] Ss. 366.04(2)(b), 366.06(1), 367.011(2), and 367.081(1), F.S.
[66] S. 366.04(2)(d)-(e) and (3)(a)-(b), F.S.
[67] Ss. 367.031 and 367.045, F.S.
[68] *See* s. 364.16, F.S.
[69] PSC, *About the PSC*, *supra* note 64. While the PSC does not fully regulate publicly owned municipal or cooperative utilities, it retains limited jurisdiction, including territorial boundaries, over 35 municipally owned electric systems, 18 rural electric cooperatives, 27 municipally owned natural gas utilities, and 4 gas districts, and exercises statewide safety authority over all electric and natural gas systems.
[70] Ss. 350.01, 350.031, F.S.
[71] PSC, *About the PSC*, *supra* note 64.
[72] S. 350.113, F.S.; *see also, e.g.*, s. 366.14, F.S.
[73] Senate Regulated Industries Committee, *Bill Analysis for SB 1312 (2023)*, Mar. 30, 2023, available at https://flsenate.gov/Session/Bill/2023/1312/Analyses/2023s01312.ri.PDF (last visited Jan. 26, 2026).
[74] S. 20.43, F.S.
[75] S. 20.43(1), F.S.

Bureau of Radiation Control

FDOH's Bureau of Radiation Control (BRC) is the primary state office that administers the NRC's Agreement State program in Florida to oversee the licensing and regulation of radioactive materials users.[76] The program is authorized under ch. 404, F.S., known as the Florida Radiation Protection Act.[77] The BRC's program licenses more than 1,800 users, including hospitals, universities, industrial facilities, doctors, roofing companies, a food irradiator, and a medical product irradiator.[78] The radioactive material employed by these users may be contained in a medical pharmaceutical or inside an industrial device such as a moisture density gauge or a static eliminator. The licenses are dynamic documents that may be amended to accommodate the licensees' needs and industry's changing needs in the use of radioactive materials, and each year the BRC issues over 2,100 license amendments or changes requested by licensees.[79]

Each materials license is valid for five years. Program staff inspects each licensee periodically from every six months to every five years depending on the type of license. During the inspection, which may take 100 hours or more at a large facility, the inspector takes direct radiation readings and interviews and observes personnel. The inspector also reviews records, and if necessary, collects samples from equipment surfaces and the general environment which are later analyzed for contamination at FDOH's radiation laboratory.[80]

Florida Department of Environmental Protection (FDEP)

The Florida Department of Environmental Protection (FDEP) is the state agency tasked with environmental management and stewardship and with protecting the state's air, water, and land.[81] FDEP's work is divided into three primary areas:

- **Land and Recreation:** FDEP acquires and protects lands for preservation and recreation, overseeing 175 state parks and trails and more than 12 million acres of public lands and 4 million acres of coastal uplands and submerged lands.
- **Regulatory:** FDEP safeguards natural resources by overseeing permitting and compliance activities that protect air and water quality, and FDEP manages waste cleanups.
- **Ecosystems Restoration:** FDEP protects and improves Florida's water quality and aquatic resources, working with communities, local governments, and other agencies to protect and restore water quality and supply and to provide funding assistance for water restoration and infrastructure projects, and FDEP coordinates the protection of Florida's submerged lands and coastal areas.[82]

FDEP is also responsible for collecting and analyzing information concerning energy resources in this state; for coordinating the energy conservation programs of state agencies; and for coordinating the development, review, and implementation of the state's energy policy.[83]

Florida Energy Policy & Utility Regulation

Public Utilities

In Florida, the term "public utility" means every person, corporation, partnership, association, or other legal entity supplying electricity or gas to or for the public within the state.[84] However, the term does not include rural electric cooperatives, municipally owned utilities, or certain other specified entities.[85] The PSC has jurisdiction to regulate

[76] NRC, *Florida: Agreement State Information*, https://www.nrc.gov/agreement-states/florida (last visited Jan. 26, 2026).
[77] Ss. 404.022(1), 404.062, F.S.
[78] FDOH, *Radioactive Materials*, https://www.floridahealth.gov/licensing-regulations/radiation-control/radioactive-materials/ (last visited Jan. 26, 2026).
[79] *Id.*
[80] *Id.*
[81] FDEP, *About DEP*, https://floridadep.gov/sec/sec/content/about-dep (last visited Jan. 26, 2026).
[82] *Id.*
[83] S. 20.255(7), F.S.
[84] S. 366.02(8), F.S.
[85] *Id.*

and supervise each public utility in the state with respect to its rates and service.[86] Public utilities in Florida may not charge or receive any rate not approved by the PSC.[87]

The Florida Supreme Court has, in interpreting the definition of "public utility," held that the sale of electricity to a single customer makes the provider a public utility under Florida law.[88]

Energy Policy

The state's energy policy is codified in s. 377.601, F.S., and was last revised in 2024.[89] The purpose of the policy is to ensure an adequate, reliable, and cost-effective supply of energy for the state in a manner that promotes the health and welfare of the public and economic growth.[90] The Legislature requires that the state's energy policy must be guided by the following goals:

- Ensuring a cost-effective and affordable energy supply.
- Ensuring adequate supply and capacity.
- Ensuring a secure, resilient, and reliable energy supply, with an emphasis on a diverse supply of domestic energy resources.
- Protecting public safety.
- Protecting the state's natural resources, including its coastlines, tributaries, and waterways.
- Supporting economic growth.[91]

To further those goals, it is the state's policy to:

- Promote the cost-effective development and use of a diverse supply of domestic energy resources in the state and discourage energy waste.
- Promote the cost-effective development and maintenance of energy infrastructure that is resilient to natural and manmade threats to the security and reliability of the state's energy supply.
- Reduce reliance on foreign energy resources.
- Include energy reliability and security considerations in all state, regional, and local planning.
- Utilize and manage effectively energy resources used within state agencies.
- Encourage local governments to include energy considerations in all planning and to support their work in promoting energy management programs.
- Include the full participation of citizens in the development and implementation of energy programs.
- Consider in its decisions the energy needs of each economic sector, including residential, industrial, commercial, agricultural, and governmental uses, and reduce those needs whenever possible.
- Promote energy education and the public dissemination of information on energy and its impacts in relation to the goals.
- Encourage the research, development, demonstration, and application of domestic energy resources, including the use of renewable energy resources.
- Consider, in its decisionmaking, the impacts of energy-related activities on the goals, including the whole-life-cycle impacts of any potential energy use choices, so that detrimental effects of these activities are understood and minimized.
- Develop and maintain energy emergency preparedness plans to minimize the effects of an energy shortage within this state.[92]

Florida law also states that it is in the public interest to promote the development of renewable energy resources in this state, and that renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage

[86] S. 366.04(1), F.S.
[87] S. 366.06(1), F.S.
[88] *PW Ventures, Inc. v. Nichols*, 533 So. 2d 281, 282-84 (Fla. 1988) (interpreting the phrase "to the public").
[89] Ch. 2024-186, Laws of Fla.
[90] S. 377.601(1), F.S.
[91] S. 377.601(2), F.S.
[92] S. 377.601(3), F.S.

investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.[93] Each public utility in Florida, as well as certain municipal electric utilities and rural electric cooperatives, must continuously offer a purchase contract to producers of renewable energy based on the utility's full avoided costs.[94] Such utilities must also offer standardized interconnection agreements and net-metering programs for customer-owned renewable generation, subject to certain requirements.[95] However, Florida law requires the contracting producer of renewable energy to pay the actual costs of its interconnection with the transmission grid or distribution system.[96]

Florida's Energy Mix

As of 2023, approximately 73% of Florida's electricity generation comes from natural gas power plants, 11% comes from nuclear power plants, and approximately 7% comes from renewable energy sources.[97] Florida currently has four nuclear reactors in operation generating electricity, located at Turkey Point and St. Lucie, with all four reactors owned and operated by Florida Power & Light Company.[98] Florida's natural gas power plants are supplied by five interstate pipelines that deliver gas across the state.[99]

Ten-Year Site Plans

Each electric utility in Florida that generates electricity is required to annually submit to the PSC a Ten-year Site Plan (TYSP) to estimate the utility's power generating needs and the general location of its proposed power plant sites over a 10-year planning horizon.[100] A utility's TYSP is the culmination of a process known as integrated resource planning (IRP), in which the utility considers its forecasted load, conducts a reliability analysis, and evaluates a cost-effective combination of demand-side resources and supply-side resources.[101]

The PSC reviews each TYSP and is required to classify each plan as "suitable" or "unsuitable."[102] The PSC's annual review of utility TYSPs is non-binding, and each TYSP is considered tentative information for planning purposes only, but it does provide state, regional, and local agencies advance notice of proposed power plants and transmission facilities.[103] In its preliminary study of the TYSPs, the PSC must consider:

- The need, including the need as determined by the PSC, for electrical power in the area to be served.
- The effect on fuel diversity within the state.
- The anticipated environmental impact of each proposed electrical power plant site.
- Possible alternatives to the proposed plan.
- The views of appropriate local, state, and federal agencies, including the views of the appropriate water management to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes.
- The extent to which the plan is consistent with the state comprehensive plan.
- The plan with respect to the information of the state on energy availability and consumption.
- The amount of renewable energy resources the utility produces or purchases.

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[93] S. 366.91(1), F.S.

[94] S. 366.91(3)-(4), F.S. The term "full avoided costs" is defined in s. 366.051, F.S., for regulated electric utilities to mean the incremental costs to the utility of the electric energy or capacity, or both, which, but for the purchase, such utility would generate itself or purchase from another source.

[95] S. 366.91(5)-(6), F.S.

[96] S. 366.91(8), F.S.

[97] PSC, *Facts and Figures of the Florida Utility Industry*, 2025, at page 2, available at https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Jan. 16, 2026).

[98] *Id.* at 7.

[99] *Id.* at 18.

[100] PSC, *Review of the 2025 Ten Year Site Plans of Florida's Electric Utilities*, at page 1, https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/TenYearSitePlans//2025/Review.pdf (last visited Jan. 26, 2026); R. 25-6.071, F.A.C.

[101] PSC, *Review of the 2025 Ten Year Site Plans of Florida's Electric Utilities*, *supra* note 100, at page 1.

[102] *Id.*

[103] *Id.*; s. 186.801(2), F.S.

- The amount of renewable energy resources the utility plans to produce or purchase over the ten-year planning horizon and the means by which the production or purchases will be achieved.
- A statement describing how the production and purchase of renewable energy resources impact the utility's present and future capacity and energy needs.[104]

Any concerns identified during the review of the utilities' TYSPs may be addressed by the PSC at a formal public hearing, such as a power plant need determination proceeding.[105] After its review of the TYSPs, the PSC makes all of its findings available to FDEP for its consideration at any subsequent site certification proceeding under the PPSA or the Florida Electric Transmission Line Siting Act.[106] The PSC also provides a copy to the Florida Department of Agriculture and Consumer Services as part of its report on electricity and natural gas forecasts.[107]

Florida Power Plant Siting Act (PPSA)

The Power Plant Siting Act (PPSA)[108] is the state's centralized process for licensing large power plants.[109] A certification under the PPSA replaces all local and state permits, but local governments within whose jurisdiction the power plant is to be built, as well as state agencies whose regulatory authority is implicated by the plant, participate in the process. Certification addresses permitting, land use and zoning, and property interests. A certification grants approval for the location of the power plant and its associated facilities such as a natural gas pipeline supplying the plant's fuel, rail lines for bringing coal to the site, and roadways and electrical transmission lines carrying power to the electrical grid, among others.[110] A PPSA certification is issued by the Siting Board, comprised of the Governor and the Cabinet, or, in uncontested cases, by FDEP.[111] The PPSA applies to all steam or solar electrical power plants that generate 75 MW or more, but power plants that generate less than 75 MW may elect to apply for certification under the PPSA.[112]

PSC Determination of Need

The PSC is the exclusive forum for a determination of need for all electrical power plants subject to the PPSA.[113] In making its determination, the PSC must consider:

- The need for electric system reliability and integrity.
- The need for adequate electricity at a reasonable cost.
- The need for fuel diversity and supply reliability.
- Whether the proposed plant is the most cost-effective alternative available.
- Whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.
- The conservation measures taken by or reasonably available to the applicant or its members which might mitigate the need for the proposed plant.
- Other matters within its jurisdiction which it deems relevant.[114]

For nuclear power plants, the PSC is required to hold a hearing within 90 days after the filing of the petition to determine need and to issue an order granting or denying the petition within 135 days after the date of the filing of the petition.[115] In making a determination to either grant or deny the petition, the PSC must consider:

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[104] S. 186.801(2), F.S.
[105] PSC, *Review of the 2025 Ten Year Site Plans of Florida's Electric Utilities*, *supra* note 100, at page 1.
[106] S. 186.801(2), F.S. Ss. 403.501-403.518, F.S., are known collectively as the "Florida Electrical Power Plant Siting Act," and ss. 403.52-403.5365, F.S., are known collectively as the "Florida Electric Transmission Line Siting Act."
[107] S. 377.703(2)(e), F.S.; PSC, *Review of the 2025 Ten Year Site Plans of Florida's Electric Utilities*, *supra* note 100, at page 2.
[108] Ss. 403.501-403.518, F.S., are known collectively as the "Florida Electrical Power Plant Siting Act."
[109] FDEP, *Power Plant Siting Act*, https://floridadep.gov/water/siting-coordination-office/content/power-plant-siting-act (last visited Jan. 26, 2026).
[110] *Id.*
[111] *Id.*
[112] *Id. See also* s. 403.506(1), F.S.
[113] S. 403.519, F.S.
[114] S. 403.519(3), F.S.
[115] S. 403.519(4), F.S.

- The need for electric system reliability and integrity, including fuel diversity.
- The need for base-load generating capacity.
- The need for adequate electricity at a reasonable cost.
- Whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.[116]

The PSC is also required to take into account whether the proposed nuclear power plant will:

- Provide needed base-load capacity.
- Enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.
- Provide the most cost-effective source of power, taking into account the need to improve the balance of fuel diversity, reduce Florida's dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the electric grid.[117]

After the PSC grants a determination of need for a nuclear power plant, Florida law authorizes a utility to recover certain costs incurred prior to commercial operation of the plant and limits the ability to challenge a utility's recovery of such costs through rates.[118]

Radiological Contamination

Exposure to very high levels of radiation, such as being close to an atomic blast, can cause acute health effects such as skin burns and acute radiation syndrome ("radiation sickness").[119] It can also result in long-term health effects such as cancer and cardiovascular disease.[120] Exposure to low levels of radiation does not cause immediate health effects, but can cause a small increase in the risk of cancer over a lifetime.[121]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2024	CS/CS/HB 1645 - Energy Resources	Payne	Became law on July 1, 2024

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee			Keating	Rubottom
Budget Committee				
Commerce Committee				

[116] S. 403.519(4), F.S.
[117] S. 403.519(4)(b), F.S.
[118] S. 403.519(4)(e), F.S.
[119] U.S. Envtl. Prot. Agency, *Radiation Health Effects*, https://www.epa.gov/radiation/radiation-health-effects (last visited Jan. 26, 2026).
[120] *Id.*
[121] *Id.*

A bill to be entitled

An act relating to advanced nuclear reactors; creating s. 403.541, F.S.; providing definitions; authorizing the Florida Public Service Commission to regulate advanced nuclear reactors in this state; authorizing the Department of Health and the Department of Environmental Protection to exercise specified powers and duties; requiring the commission, the Department of Health, and the Department of Environmental Protection to jointly establish criteria for the certification of laboratories that perform analysis on nuclear materials; authorizing the possession of nuclear material for specified purposes; providing an exception and limitation for such possession; requiring permits for the transfer, receipt, possession, use, storage, or disposal of nuclear materials; requiring the commission to make a certain determination before issuing such permits; requiring certifications for construction and significant design modifications of advanced nuclear reactors; requiring the commission to consider certain factors before issuing such certifications; authorizing the commission to issue reciprocal permits under certain conditions; providing penalties; requiring the commission, after consultation with the Department of

Environmental Protection and the Department of Health, to adopt rules; providing requirements for such rules; amending s. 186.801, F.S.; revising the criteria the commission must consider in the preliminary study of electric utility 10-year site plans; amending s. 366.02, F.S.; revising the definition of the term "public utility"; amending s. 366.92, F.S.; revising legislative intent for the state's renewable energy policy; revising definitions; revising requirements for the development of certain standards by electric utilities; removing such requirement for rural cooperatives; amending s. 377.601, F.S.; revising legislative intent for the state's energy policy; amending s. 403.506, F.S.; revising applicability of power plant capacity and expansion thresholds; amending s. 403.519, F.S.; revising the criteria the commission must consider in making determinations for proposed power plants; providing an effective date.

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

Section 1. Section 403.541, Florida Statutes, is created to read:

403.541 Advanced nuclear reactors.-

(1) As used in this section, the term:

(a) "Advanced nuclear reactor" means a nuclear fusion reactor, or a nuclear fission reactor that uses new or significantly improved designs compared to commercial nuclear reactors in operation as of January 1, 2021, including improvements such as:

1. Inherent or passive safety features;

2. Lower waste yields;

3. Improved fuel performance or efficiency;

4. Significantly improved designs, materials, fuels, or cooling systems;

5. Reduced consumption of cooling water and other environmental impacts; or

6. Flexibility in operational output or ability to integrate into electric or nonelectric applications.

(b) "Commission" means the Florida Public Service Commission.

(c) "Electrical power plant" has the same meaning as provided in s. 403.503.

(d) "Nuclear material" means byproduct material, source material, and special nuclear material as those terms are defined in s. 404.31.

(2)(a) The authority to regulate advanced nuclear reactors in this state is granted solely to the commission. At a minimum, the commission shall do all of the following:

1. Evaluate and approve designs for advanced nuclear

reactors.

2. Issue permits for the possession, transportation, transfer, and use of nuclear materials in sufficient quantities to facilitate advanced nuclear reactor research, design, testing, construction, and operation.

3. Prescribe safety and construction standards for the use of nuclear materials in the development and operation of advanced nuclear reactors.

(b) The Department of Health may exercise its powers and duties granted under chapter 404 for the regulation of advanced nuclear reactors under this section. The Department of Health shall develop appropriate guidelines for nuclear facilities and advanced nuclear reactors to mitigate harm to human health resulting from radiological exposure.

(c) The Department of Environmental Protection may exercise its powers and duties granted under chapter 403 for the regulation of advanced nuclear reactors under this section. The Department of Environmental Protection shall develop appropriate guidelines for nuclear facilities and advanced nuclear reactors to mitigate environmental harm and promote the efficient and sustainable use of water and other natural resources.

(d) The commission, the Department of Health, and the Department of Environmental Protection shall jointly establish criteria for the certification of laboratories that perform analysis on nuclear materials for the purpose of researching,

designing, testing, or otherwise developing technology for nuclear power plants under this section.

(3) A person, corporation, or entity may possess nuclear materials for, and in quantities sufficient to facilitate, the research, design, testing, construction, and operation of advanced nuclear reactors. However, except for active military personnel or contractors acting pursuant to a lawful military order, a person, corporation, or entity may not possess nuclear materials in quantities that pose a danger to national defense and security or public health and safety.

(4)(a) The operator of a facility conducting research and testing of advanced nuclear reactors must obtain a permit from the commission for the use and storage of nuclear materials to facilitate such research and testing.

(b) A person, corporation, or entity must obtain a permit from the commission for the transfer, receipt, possession, use, or disposal of nuclear materials relating to the operation of advanced nuclear reactors.

(c) Before issuing a permit under this subsection, the commission must determine that the facility or reactor is equipped with radiation control devices that will abate or prevent radiological contamination in compliance with the standards and rules established under this section.

(5)(a) The construction or significant design modification of an advanced nuclear reactor must be certified by the

commission before such construction or modification may begin.

(b) Before issuing a certification under this subsection, the commission must consider, at a minimum, all of the following:

1. The extent to which the design will effectively mitigate and prevent danger to the public health and safety.

2. The compliance of the design with the safety standards prescribed by the commission.

3. The ability of the design to address known or reasonably foreseeable risks, including system failures, accidents, natural disasters, and extreme weather events.

4. The completeness and accuracy of engineering calculations and testing data for the design.

5. The ability of the design to promote the efficient and sustainable use of water and other natural resources.

(c) The construction or significant design modification of an advanced nuclear reactor must include radiation control devices that will abate or prevent radiological contamination in compliance with the standards and rules established under this section.

(6) If an applicant has been issued a permit or certification from another state or federal agency for the activities under this section, the commission may issue a reciprocal permit or certification if the safety standards of the other state or federal agency are no less stringent than the

standards and rules established under this section.

(7) A person, corporation, or entity who violates this section or any rules adopted hereunder is subject to a civil penalty not to exceed $100,000 for each violation for each day the violation persists, except that the maximum civil penalty may not exceed $1 million for any related series of violations.

(8) The commission, after consultation with the Department of Health and the Department of Environmental Protection, shall adopt rules to implement this section. In developing such rules, the commission shall refer to part II of this chapter and the rules and regulations established thereunder.

Section 2. Paragraph (j) of subsection (2) of section 186.801, Florida Statutes, is redesignated as paragraph (l), and new paragraphs (j) and (k) are added to that section, to read:

186.801 Ten-year site plans.—

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon

written notification to the commission. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the commission shall consider such plan as a planning document and shall review:

(j) The amount of nuclear energy resources the utility produces or purchases.

(k) The amount of nuclear energy resources the utility plans to produce or purchase over the 10-year planning horizon and the means by which the production or purchases will be achieved.

Section 3. Subsection (8) of section 366.02, Florida Statutes, is amended to read:

366.02 Definitions.—As used in this chapter:

(8) "Public utility" means every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state; but the term "public utility" does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; any entity other than an electric utility that produces electricity from an advanced

nuclear reactor that is not interconnected to this state's electrical power grid for its own consumption or supplies such electricity for consumption by a single consumer; any dependent or independent special natural gas district; any natural gas transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which neither owns nor operates natural gas transmission or distribution facilities within the state; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.

Section 4. Subsections (1), (2), and (3) of section 366.92, Florida Statutes, are amended to read:

366.92 Florida renewable energy policy.—

(1) It is the intent of the Legislature to promote the development of clean ~~renewable~~ energy; protect the economic viability of Florida's existing clean ~~renewable~~ energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the

volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.

(2) As used in this section, the term:

(a) "Clean energy" includes energy produced by advanced nuclear reactors as that term is defined in s. 403.541, and renewable energy and renewable natural gas as those terms are defined in s. 366.91.

(b) ~~(a)~~ "Provider" means a ~~"~~utility~~"~~ as defined in s. 366.8255(1)(a).

~~(b) "Renewable energy" includes renewable energy and renewable natural gas as those terms are defined in s. 366.91(2).~~

(3) Each ~~municipal~~ electric utility ~~and rural electric cooperative~~ shall develop standards for the promotion, encouragement, and expansion of the use of clean ~~renewable~~ energy resources and energy conservation and efficiency measures. On or before April 1, annually, each ~~municipal~~ electric utility ~~and electric cooperative~~ shall submit to the commission a report that identifies such standards.

Section 5. Paragraph (m) is added to subsection (3) of section 377.601, Florida Statutes, to read:

377.601 Legislative intent.—

(3) In furtherance of the goals in subsection (2), it is

the policy of the state to:

(m) Encourage the research, development, demonstration, and application of domestic advanced nuclear energy resources.

Section 6. Subsection (1) of section 403.506, Florida Statutes, is amended to read:

403.506 Applicability, thresholds, and certification.—

(1)(a) ~~The provisions of~~ This act applies ~~shall apply~~ to any electrical power plant as defined herein, except that ~~the provisions of~~ this act does ~~shall~~ not apply to the following, unless the applicant has elected to apply for certification under this act:

1. Any electrical power plant of less than 75 megawatts in gross capacity, including its associated facilities~~, unless the applicant has elected to apply for certification of such electrical power plant under this act~~.

2. ~~The provisions of this act shall not apply to~~ Capacity expansions of 75 megawatts or less, in the aggregate, of an existing exothermic reaction cogeneration electrical generating facility that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup.

3. Capacity expansions of 75 megawatts or less, in the aggregate, of one or more advanced nuclear reactors as defined in s. 403.541 installed within the boundaries of an electrical power plant site previously certified under this act.

4. One or more advanced nuclear reactors as defined in s. 403.541 to be located within the boundaries of an electrical power plant site previously certified under this act, provided that:

a. The advanced nuclear reactor or reactors are intended to replace an existing electrical power plant located on the site.

b. The certificate holder intends to retire the existing electrical power plant from service.

c. The gross capacity of the advanced nuclear reactor or reactors, in the aggregate, does not exceed the gross capacity of the electrical power plant to be retired.

5. One or more advanced nuclear reactors as defined in s. 403.541 that are not interconnected to this state's electrical power grid and that are owned and operated by an entity other than an electric utility for purposes of producing power for its own consumption or for use by a single consumer of electrical power.

(b) The ~~No~~ construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may not be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating

or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

Section 7. Subsection (3) of section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.—

(3) The commission shall be the sole forum for the determination of this matter, which accordingly may ~~shall~~ not be raised in any other forum or in the review of proceedings in such other forum. In making its determination, the commission shall take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, whether the proposed plant is the most cost-effective alternative available, and whether nuclear ~~renewable~~ energy resources ~~sources and technologies~~, as well as conservation measures, are used ~~utilized~~ to the extent reasonably available. The commission shall also expressly consider the conservation measures taken by or reasonably available to the applicant or its members which might mitigate the need for the proposed plant and other matters within its jurisdiction which it deems relevant. The commission's determination of need for an electrical power plant shall create a presumption of public need and necessity and shall serve as the commission's report

required by s. 403.507(4). An order entered pursuant to this section constitutes final agency action.

Section 8. This act shall take effect July 1, 2026.

Economic Infrastructure Subcommittee

HB 1461 by Reps. Miller and Gentry
Advanced Nuclear Reactors

AMENDMENT SUMMARY
January 28, 2026

Amendment #929505 by Rep. Miller (line 73):

- Clarifies a provision of the bill granting regulatory authority to the Public Service Commission.
- Clarifies the definition of “clean energy” to include energy produced by all nuclear reactors.
- Clarifies a provision of the bill related to the applicability of the Florida Power Plant Siting Act to advanced nuclear reactors not interconnected to the grid.
- Corrects other technical drafting errors.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative Miller offered the following:

Amendment

Remove lines 73-290 and insert:

in this state is granted to the commission. At a minimum, the commission shall do all of the following:

1. Evaluate and approve designs for advanced nuclear reactors.

2. Issue permits for the possession, transportation, transfer, and use of nuclear materials in sufficient quantities to facilitate advanced nuclear reactor research, design, testing, construction, and operation.

3. Prescribe safety and construction standards for the use of nuclear materials in the development and operation of advanced nuclear reactors.

(b) The Department of Health may exercise its powers and duties granted under chapter 404 for the regulation of advanced nuclear reactors under this section. The Department of Health shall develop appropriate guidelines for nuclear facilities and advanced nuclear reactors to mitigate harm to human health resulting from radiological exposure.

(c) The Department of Environmental Protection may exercise its powers and duties granted under chapter 403 for the regulation of advanced nuclear reactors under this section. The Department of Environmental Protection shall develop appropriate guidelines for nuclear facilities and advanced nuclear reactors to mitigate environmental harm and promote the efficient and sustainable use of water and other natural resources.

(d) The commission, the Department of Health, and the Department of Environmental Protection shall jointly establish criteria for the certification of laboratories that perform analysis on nuclear materials for the purpose of researching, designing, testing, or otherwise developing technology for nuclear power plants under this section.

(3) A person, corporation, or entity may possess nuclear materials for, and in quantities sufficient to facilitate, the research, design, testing, construction, and operation of

advanced nuclear reactors. However, except for active military personnel or contractors acting pursuant to a lawful military order, a person, corporation, or entity may not possess nuclear materials in quantities that pose a danger to national defense and security or public health and safety.

(4)(a) The operator of a facility conducting research and testing of advanced nuclear reactors must obtain a permit from the commission for the use and storage of nuclear materials to facilitate such research and testing.

(b) A person, corporation, or entity must obtain a permit from the commission for the transfer, receipt, possession, use, or disposal of nuclear materials relating to the operation of advanced nuclear reactors.

(c) Before issuing a permit under this subsection, the commission must determine that the facility or reactor is equipped with radiation control devices that will abate or prevent radiological contamination in compliance with the standards and rules established under this section.

(5)(a) The construction or significant design modification of an advanced nuclear reactor must be certified by the commission before such construction or modification may begin.

(b) Before issuing a certification under this subsection, the commission must consider, at a minimum, all of the following:

1. The extent to which the design will effectively mitigate and prevent danger to the public health and safety.

2. The compliance of the design with the safety standards prescribed by the commission.

3. The ability of the design to address known or reasonably foreseeable risks, including system failures, accidents, natural disasters, and extreme weather events.

4. The completeness and accuracy of engineering calculations and testing data for the design.

5. The ability of the design to promote the efficient and sustainable use of water and other natural resources.

(c) The construction or significant design modification of an advanced nuclear reactor must include radiation control devices that will abate or prevent radiological contamination in compliance with the standards and rules established under this section.

(6) If an applicant has been issued a permit or certification from another state or federal agency for the activities under this section, the commission may issue a reciprocal permit or certification if the safety standards of the other state or federal agency are no less stringent than the standards and rules established under this section.

(7) A person, corporation, or entity who violates this section or any rules adopted hereunder is subject to a civil penalty not to exceed $100,000 for each violation for each day

the violation persists, except that the maximum civil penalty may not exceed $1 million for any related series of violations.

(8) The commission, after consultation with the Department of Health and the Department of Environmental Protection, shall adopt rules to implement this section. In developing such rules, the commission shall refer to part II of this chapter and the rules and regulations established thereunder.

Section 2. Paragraph (j) of subsection (2) of section 186.801, Florida Statutes, is redesignated as paragraph (l), and new paragraphs (j) and (k) are added to that section, to read:

186.801 Ten-year site plans.—

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the commission. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment

to the 10-year site plan. In its preliminary study of each 10-year site plan, the commission shall consider such plan as a planning document and shall review:

(j) The amount of nuclear energy resources the utility produces or purchases.

(k) The amount of nuclear energy resources the utility plans to produce or purchase over the 10-year planning horizon and the means by which the production or purchases will be achieved.

Section 3. Subsection (8) of section 366.02, Florida Statutes, is amended to read:

366.02 Definitions.—As used in this chapter:

(8) "Public utility" means every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state; but the term "public utility" does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; any entity, other than an electric utility, that produces electricity from an advanced nuclear reactor that is not interconnected to this state's electrical power grid for its own consumption or supplies such electricity for consumption by a single consumer; any dependent or independent special natural gas district; any natural gas

transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which neither owns nor operates natural gas transmission or distribution facilities within the state; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.

Section 4. Subsections (1), (2), and (3) of section 366.92, Florida Statutes, are amended to read:

366.92 Florida renewable energy policy.—

(1) It is the intent of the Legislature to promote the development of clean ~~renewable~~ energy; protect the economic viability of Florida's existing clean ~~renewable~~ energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.

(2) As used in this section, the term:

(a) "Clean energy" includes energy produced by nuclear reactors and includes renewable energy and renewable natural gas as those terms are defined in s. 366.91.

(b) ~~(a)~~ "Provider" means a "utility" as defined in s. 366.8255(1)(a).

~~(b) "Renewable energy" includes renewable energy and renewable natural gas as those terms are defined in s. 366.91(2).~~

(3) Each ~~municipal~~ electric utility ~~and rural electric cooperative~~ shall develop standards for the promotion, encouragement, and expansion of the use of clean ~~renewable~~ energy resources and energy conservation and efficiency measures. On or before April 1, annually, each ~~municipal~~ electric utility ~~and electric cooperative~~ shall submit to the commission a report that identifies such standards.

Section 5. Paragraph (m) is added to subsection (3) of section 377.601, Florida Statutes, to read:

377.601 Legislative intent.—

(3) In furtherance of the goals in subsection (2), it is the policy of the state to:

(m) Encourage the research, development, demonstration, and application of domestic advanced nuclear energy resources.

Section 6. Subsection (1) of section 403.506, Florida Statutes, is amended to read:

403.506 Applicability, thresholds, and certification.—

(1)(a) ~~The provisions of~~ This act applies ~~shall apply~~ to any electrical power plant as defined herein, except that ~~the provisions of~~ this act does ~~shall~~ not apply to the following, unless the applicant has elected to apply for certification under this act:

1. Any electrical power plant of less than 75 megawatts in gross capacity, including its associated facilities~~, unless the applicant has elected to apply for certification of such electrical power plant under this act~~.

2. ~~The provisions of this act shall not apply to~~ Capacity expansions of 75 megawatts or less, in the aggregate, of an existing exothermic reaction cogeneration electrical generating facility that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup.

3. Capacity expansions of 75 megawatts or less, in the aggregate, of one or more advanced nuclear reactors as defined in s. 403.541 installed within the boundaries of an electrical power plant site previously certified under this act.

4. One or more advanced nuclear reactors as defined in s. 403.541 to be located within the boundaries of an electrical power plant site previously certified under this act, provided that:

a. The advanced nuclear reactor or reactors are intended to replace an existing electrical power plant located on the site.

b. The certificate holder intends to retire the existing electrical power plant from service.

c. The gross capacity of the advanced nuclear reactor or reactors, in the aggregate, does not exceed the gross capacity of the electrical power plant to be retired.

5. One or more advanced nuclear reactors as defined in s. 403.541 that are not interconnected to this state's electrical power grid and that are owned by an entity other

HB 4045

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 4045	**COMPANION BILL:** None
TITLE: Jacksonville Aviation Authority, Consolidated City Of Jacksonville, Duval County	**LINKED BILLS:** None
SPONSOR(S): Duggan	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs (16 Y, 0 N) ➤ Economic Infrastructure ➤ State Affairs

SUMMARY

Effect of the Bill:
The bill amends the charter of the Jacksonville Aviation Authority to give the Authority responsibility for the economic development of Cecil Airport and for growing Cecil Airport as an aerospace hub. The bill requires the Authority to present an annual plan for the development of Cecil Airport to the council of the City of Jacksonville along with its annual budget. The bill also revises the Authority's thresholds for expenses that require a competitive bid process.

Fiscal or Economic Impact:
None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill amends the charter of the Jacksonville Aviation Authority (Authority), a dependent special district of the city of Jacksonville, to make the Authority responsible for the economic development of Cecil Airport. These economic development responsibilities include the following activities:

- Workforce development and training;
- Infrastructure investments;
- Job creation; and
- Technology innovation.

The bill also makes the Authority responsible for establishing and growing Cecil Airport as an aerospace hub in partnership with local economic development agencies. (Section 1)

The bill requires the Authority to present an annual plan for the development of Cecil Airport to the Jacksonville City Council. This plan must be submitted for review concurrently with the submission of the Authority's annual budget. (Section 1)

The bill revises the Authority's threshold for construction and repair costs that require a competitive bid process from $50,000 to the Category Five threshold amount established in law.[1] The bill also revises the threshold for supplies, equipment, machinery, and material costs that require a competitive bid process from $25,000 to the Category Three threshold amount established in law. (Section 1)

The bill provides an effective date of upon becoming a law. (Section 2)

[1] S. 287.017, F.S.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.[2] Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.[3] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[4] Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.[5]

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as "dependent" if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district's governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.[6]

A district is classified as "independent" if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.[7]

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).[8] The USDAA centralizes provisions governing special districts and applies to the formation,[9] governance,[10] administration,[11] supervision,[12] merger,[13] and dissolution[14] of special districts, unless otherwise expressly provided in law.[15] The USDAA requires notice and publication of tentative budgets and final budgets.[16] Certain budget amendments are allowed up to 60 days following the end of the fiscal year.[17]

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[2] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[3] *See* ss. 189.02(1), 189.031(3), and. 190.005(1), F.S. *See generally* s. 189.012(6), F.S.
[4] Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 56 (last visited Jan. 14, 2026).
[5] The method of financing a district must be stated in its charter. Ss. 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. *See, e.g.,* ch. 2023-335, s. 1(6), Laws of Fla. (East River Ranch Stewardship District). *See also, e.g.,* ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), and 388.221, F.S. (mosquito control), *See also* ch. 2004-397, s. 3(27), Laws of Fla. (South Broward Hospital District).
[6] S. 189.012(2), F.S.
[7] S. 189.012(3), F.S.
[8] S. 189.01, F.S., *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).
[9] *See* ss. 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).
[10] *See* s. 189.0311, F.S. (charter requirements for independent special districts).
[11] *See* s. 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).
[12] *See* s. 189.0651, F.S. (oversight for special districts created by special act of the Legislature).
[13] Ss. 189.071 and 189.074, F.S.
[14] Ss. 189.071 and 189.072, F.S.
[15] *See, e.g.,* s. 190.004, F.S. (Ch. 190, F.S. as "sole authorization" for creation of community development districts).
[16] S. 189.016(4), F.S.
[17] S. 189.016(6), F.S.

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.[18]

Jacksonville Aviation Authority

The Jacksonville Aviation Authority (Authority) was established by the State of Florida in 2001 to own and operate aviation facilities in Duval County.[19] The Authority is governed by a seven-member board of directors, with three members appointed by the Mayor of the City of Jacksonville and confirmed by the city council and four members appointed by the Governor and confirmed by the Senate.[20] Directors serve four-year terms with a maximum of two successive terms.

The Authority operates an airport system that consists of four airports: Jacksonville International Airport, Jacksonville Executive at Craig Airport, Herlong Recreational Airport, and Cecil Airport.[21] The Authority has 301 full-time employees, including administration positions, airport management and operations, and police. The Authority has no authority to levy ad valorem or special assessments.[22] The Authority funds operating expenses through aircraft landing fees, terminal fees and other rentals, and revenues from concessions.[23] A capital construction program is funded by debt issued by the Authority, federal and state grants, customer facility charges, passenger facility charges, and Authority revenues.

The Authority's operating revenues increased 16.41% in fiscal year 2023 due to increased passenger traffic and demand for services.[24] Revenues increased by an additional 21.32% in fiscal year 2024 due to increased hangar space rentals and increased airline rates and charges. The Authority's assets and deferred outflows exceeded liabilities and deferred inflows of resources for fiscal year 2024 by approximately $780.70 million.

The Authority's charter requires the Authority to undergo a competitive bidding process for any construction, reconstruction, or repair work that exceeds $50,000.[25] The charter also requires the Authority to conduct a competitive bidding process for procurement of any supplies, equipment, machinery, and materials exceeding $25,000.

Cecil Airport

In 1942, the United States Navy purchased the parcel of land for Naval Air Station Cecil Field.[26] In 1999, the US Navy decommissioned Cecil Field and the airfield was turned over to the Authority. The Airport currently provides a base of operations for corporate aircraft, general aviation, air cargo, and National Guard and Reserve aviation. The Airport offers access to railways, a deep-water port, and interstate highways. The Airport consists of 4 runways located on 6,098 acres situated 13 miles southwest of downtown Jacksonville. The longest of these runways is 12,500 feet, which is the third longest in the state.

In 2007, the Authority began work on an application for an FAA Launch Site Operator License to conduct horizontal space launches from Cecil Airport.[27] The study determined that a carrier aircraft could safely depart a spaceport located at Cecil, launch a captive-carried space vehicle into low earth orbit and return to the airport as a conventional aircraft. In January of 2010, the FAA granted the Authority a launch site operator license to conduct

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[18] *See, e.g.*, ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).
[19] Ch. 2001-319, Laws of Fla. *See also* chs. 2004-464 and 2005-382, Laws of Fla.
[20] Ch. 2004-464, s. 1(1), Laws of Fla.
[21] Jacksonville Aviation Authority, *Annual Financial Report Fiscal Year 2024*, p. 4 (last visited Jan. 14, 2026).
[22] *See* ch. 2004-464, s. 1(3) , Laws of Fla.
[23] Jacksonville Aviation Authority, *Annual Financial Report Fiscal Year 2024*, p. 4 (last visited Jan. 14, 2026).
[24] *Id*. at 6.
[25] Ch. 2004-464. s. 1(10), Laws of Fla.
[26] Jacksonville Aviation Authority, *Annual Financial Report Fiscal Year 2024*, p. 95 (last visited Jan. 14, 2026).
[27] Cecil Spaceport, *Frequently Asked Questions* (last visited Jan. 14, 2026).

horizontal space launches from Cecil Spaceport. In 2012, the Legislature added Cecil Airport to the list of state spaceport territories,[28] thus making the Airport eligible for funding through the Florida Department of Transportation and Space Florida.

As of September 2024, the Airport had 14 full-time employees.[29] Two new hangars were completed at the airport in fiscal year 2024, including a 400,000-square-foot hangar for existing tenant Boeing.[30] The Airport is also pursuing operators of horizontal reusable launch vehicles capable of delivering people, goods, and small satellites into suborbital or orbital trajectories. In 2024, a hypersonic aircraft company entered an agreement with the Authority and opened its doors at an existing hangar at Cecil Airport.

Competitive Bidding Process

The Legislature recognizes that fair and open competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically.[31] Chapter 287, F.S. establishes uniform procedures to be utilized by state agencies in managing and procuring commodities and contractual services.

Competitive solicitation is the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.[32] This process is required for procurement of commodities or contractual services in excess of the threshold amounts provided in law.[33] Current law establishes the following threshold amounts for specific purchasing categories:

- Category One: $20,000;
- Category Two: $35,000;
- Category Three: $65,000;
- Category Four: $195,000;
- Category Five: $325,000.[34]

Additionally, commercial service airports are required to use competitive solicitation processes for purchases of commodities or contractual services that exceed the Category Five threshold not within any other provision of law to the contrary.[35] Of the airports operated by the Authority, this provision only applies to Jacksonville International Airport.[36]

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.[37] A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website[38] at least 30 days prior to the introduction of the local bill in the House or Senate.[39] The bill was noticed in the Jacksonville Daily Record on Nov. 20, 2025.

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[28] Ch. 2012-104, Laws of Fla.
[29] Jacksonville Aviation Authority, *Annual Financial Report Fiscal Year 2024*, p. 89 (last visited Jan. 14, 2026).
[30] Jacksonville Aviation Authority, *Annual Financial Report Fiscal Year 2024*, p. 14 (last visited Jan. 14, 2026).
[31] S. 287.001, F.S.
[32] S. 287.012(6), F.S.
[33] *See* s. 287.057, F.S.
[34] S. 287.017, F.S.
[35] S. 332.0075(3)(a), F.S.
[36] *See* Fla. Dept. of Transportation, *Airport Air Service Profiles* (last visited Jan 14. 2026).
[37] Art. III, s. 10, Fla. Const.
[38] S. 50.0311(2), F.S.
[39] S. 11.02, F.S. If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.[40] Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- Local Bill Certification Form
- Economic Impact Statement Form

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	16 Y, 0 N	1/20/2026	Darden	Hilliard
Economic Infrastructure Subcommittee		1/26/2026	Keating	Dallas
State Affairs Committee				

[40] Intergovernmental Affairs Subcommittee, *Local Bill Policies and Procedures Manual*, p. 11 (last visited Jan. 14, 2026).

A bill to be entitled

An act relating to the Jacksonville Aviation Authority, Consolidated City of Jacksonville, Duval County; amending chapter 2004-464, Laws of Florida, as amended by chapter 2005-328, Laws of Florida; providing that the Jacksonville Aviation Authority is responsible for the economic development of Cecil Airport as a regional, state, and national aerospace and related-industry hub; defining the term "aerospace and related industry"; revising the definition of the term "project"; requiring annual presentation of an economic development plan for Cecil Airport to the council of the City of Jacksonville for review; revising threshold amounts for certain purchases by the authority; providing an effective date.

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

Section 1. Subsection (1) of section 1, sections 2 and 5, and subsections (1) and (2) of section 10 of chapter 2004-464, Laws of Florida, as amended by chapter 2005-328, Laws of Florida, are amended to read:

Section 1. Creation of Jacksonville Aviation Authority.—

(1) The charter provisions concerning the airport operations of the former Jacksonville Port Authority established

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

pursuant to Chapter 2001-319, Laws of Florida, as amended, are hereby amended and restated in their entirety to read as follows: There is hereby created and established as of October 1, 2001, a separate body politic and corporate to be known as the Jacksonville Aviation Authority and hereinafter referred to singly as the "authority," which is created as an agency and political subdivision of the State of Florida in the nature of counties and not municipalities. This authority is authorized to exercise its jurisdiction, powers, and duties within the geographic area defined by the boundary lines of Duval County as established by section 7.16, Florida Statutes, which boundary lines also define the geographic area of the City of Jacksonville, and outside such boundary lines as hereinafter provided. The Jacksonville Aviation Authority shall operate, manage, and control all of the publicly owned airports and ancillary facilities located within Duval County and outside such boundary lines as hereinafter provided. The authority is also responsible for the economic development of Cecil Airport, which shall include, but is not limited to, activities and projects that support workforce development and training, infrastructure investments, job creation, and technology innovation, and is further charged with establishing and growing Cecil Airport as a regional, state, and national aerospace and related-industry hub in partnership with the economic development agency or agencies of the City of Jacksonville. The

authority was separated from the former Jacksonville Port Authority pursuant to 2001-319, Laws of Florida, as amended, and this separation shall be reviewed for performance and efficiency after a period of 4 years from October 1, 2001.

Section 2. Definitions.—In the interpretation hereof, the following words and terms shall be taken to include the following meanings when the context shall require or permit:

(1) The term "aerospace and related industry" means and includes the design, development, manufacturing, maintenance, logistics, operation, use, and service of aircraft and spacecraft for civilian, government, and military applications, including subsystems and components thereof, and other industries in substantial relation thereto.

(2) ~~(1)~~ The term "bonds" means and embraces bonds, notes, certificates, and other financial obligations issued by the authority for financing or refinancing purposes and, except where otherwise required by the context, notes and other instruments executed to evidence obligations of the authority for the repayment of borrowed funds.

(3) ~~(2)~~ The term "county" means the County of Duval.

(4) ~~(3)~~ The term "city" or "City of Jacksonville" means the consolidated government of the City of Jacksonville created pursuant to section 9, Article VIII of the State Constitution.

(5) ~~(4)~~ The term "federal agency" means and includes the United States, the President of the United States, and any

department, or corporation, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States.

(6) ~~(5)~~ Words importing the singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

(7) ~~(6)~~ The term "project" embraces any one or any combination of two or more of the following, to wit: facilities for the construction, manufacture, repair, or maintenance of airplanes, helicopters, spacecraft, and aircraft of all kinds; other facilities, directly or indirectly related to the promotion and development of airborne, ~~and~~ airport and aerospace and related-industry activities, commerce, travel, exploration, and researching; and other airport and aerospace and related-industry facilities of all kinds, including, but not limited to, landings, ramps, runways, taxiways, warehouses, terminals, refrigeration, and cold storage plants and facilities, tiedown and parking areas and facilities, intermodal, railroad, air, and motor terminals for passengers, freight, exploration, and research, rolling stock, airplanes, helicopters, spacecraft, conveyors, and appliances of all kinds for the handling, storage, inspection, and transportation of freight and the handling of passenger traffic, mail, express, and freight, administration and service buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or

auxiliary thereto, and may include all property, structures, facilities, rights, easements, and franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof. The authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.

(8) ~~(7)~~ The term "cost," as applied to improvements, means the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, the cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(9) ~~(8)~~ The term "cost," as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension, or enlargement, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction, and, if deemed advisable, for up to 1 year after completion of construction, cost of investigations and audits, and of engineering and legal services, and all other expenses necessary or incident to

determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any cost, obligation or expense incurred by the authority prior to the issuance of revenue bonds under the provisions of this act, including, without limitation, costs for engineering studies and for estimates of cost and of revenue and for other technical, financial, or legal services in connection with the acquisition or construction of any project, may be regarded as a part of the cost of such project.

Section 5. Budget and finance; plan for economic development.—

(1) The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30. The authority shall prepare and submit its budget to the council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. The council, consistent with the provisions of the Charter of the City of Jacksonville, may increase or decrease the appropriation (budget) requested by the authority on a total basis or a line-by-line basis; however, the appropriation for construction, reconstruction, enlargement, expansion, improvement, or development of any project or projects authorized to be undertaken by the former Jacksonville Port

Authority and the authority shall not be reduced below the amount required under the terms and provisions of any outstanding bonds.

(2) Simultaneously with the submittal of its budget as provided in subsection (1), the authority shall also prepare and present to the council of the City of Jacksonville a plan for the economic development of Cecil Airport. The plan shall be presented for annual review by the council of the City of Jacksonville concurrently with its review of the annual budget pursuant to subsection (1).

Section 10. Award of contracts.—

(1) If the total cost, value, or amount of construction, reconstruction, repairs, or work of any nature, including the labor and materials, exceeds the CATEGORY FIVE threshold amount established in section 287.017, Florida Statutes, as may be amended from time to time, ~~$50,000~~ when purchased by the authority, any such construction, reconstruction, repairs, or work exceeding the foregoing amount established for the authority shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms and after due public notice has been given asking for competitive bids as hereinafter provided. The foregoing requirement for competitive bidding shall not apply to construction, reconstruction, repairs, or work done by employees of the authority or by labor supplied under agreement with the

Federal Government or state government. The authority shall keep a current list of responsible bidders and, whenever the authority shall award a contract, the bidder shall come from such list. No contract shall be entered into for construction, improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the authority and in an amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation were named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct any project, or any part thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of the authority, or otherwise, other than by contract.

(2) All supplies, equipment, machinery, and materials exceeding the CATEGORY THREE threshold amount established in section 287.017, Florida Statutes, as may be amended from time

to time, ~~$25,000~~ in cost purchased by the authority shall be purchased by the authority only after due advertisement as provided hereinafter. When purchasing supplies, equipment, machinery, and materials pursuant to competitive bid as mandated herein, the authority shall accept the lowest bid or bids, kind, quality, and material being equal, but the authority shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.

Section 2. This act shall take effect upon becoming a law.