



## ***Certifying a Seaplane Base in Florida***

*The contents of this document do not constitute legal advice, do not include all pertinent information, and may not be completely up to date. You are strongly encouraged to seek professional legal counsel prior to applying for seaplane base certification.*

## I. Introduction

Florida's requirements for seaplane base licensing create a legal and political mine field for anyone who wishes to establish a seaplane base. Complicating matters is that State's broad interpretation of what constitutes a seaplane base. The definition of a "seaplane base" is not particularly clear, but unless you base your seaplane at an airport, the place where you keep your seaplane should be certified by the State as a seaplane base.

During the certification process, opportunities abound for opponents to sink the proposal. Even if the seaplane base application is approved, the ill will generated during the process can fester. Regardless of the State's decision, if the locals have hard feelings, your long-term prospects are slim.

This document is intended to provide you with a map of the minefield. We don't know about every mine, and every application has its own unique quirks, but the general guidelines that follow should help keep you as clear of danger as possible.

## II. The Rules

### **TIP #1: Know the Rules**

You're not likely to win a game of chess if you don't know the rules of the game. The same applies to seaplane base certification. Do your homework before you leap.

### **A. United States (Federal) Government**

#### **1. The Constitution**

The United States Constitution has never been interpreted by a court of law as giving you the right to fly or base a seaplane anywhere you please, and it is very unlikely that such an interpretation will ever be made. Thus, do not assume that you have such a right, and never assert such a right unless you are arguing your case in a court of law. Otherwise, you'll only hurt your credibility and create hard feelings. Flying a seaplane is a privilege, not a right.

#### **2. The FAA**

The FAA requires notice prior to establishing a landing site. Upon notice, the FAA performs an airspace review to make sure that the proposed landing site (airport or seaplane base) will not conflict with pre-existing airspace and air traffic patterns. Seaplane bases are typically considered landing sites, although there is some debate over whether a seaplane landing lane must be physically marked before a seaplane base is recognized by the FAA. Never the less, Florida requires that the FAA return a favorable airspace review prior to certifying a seaplane base. The application for an

airspace review is made using FAA Form 7480-1, which is available from the FAA, Florida DOT, and SPA.

The Federal Government reserves in itself the power to regulate airspace and aircraft noise, but leaves certification of airports to the individual states.

### **3. The United States Coast Guard**

The USCG defines a seaplane on the water as a vessel, subject to the same Inland Navigation Rules as all other vessels on inland waters.

## **B. Florida State Law**

### **1. State Statutes**

#### **a. §327.03(27)**

This section exempts seaplanes from the definition of “vessel” for the purposes of state watercraft titling, licensing, taxation, etc. However, seaplanes are subject to the operating rules for vessels when on the water.

#### **b. §329-§333**

These sections set forth the basis for the airport certification process, as well as other regulations related to aviation. The important practical details can be found in the administrative code, detailed below.

#### **c. §330.36(1)**

Allows local municipalities (county or city) to regulate airports (and seaplane bases) with zoning and only zoning.

#### **d. §330.36(2)**

Contradicts §330.36(1) by specifically permitting local municipalities to regulate seaplane operations for specified public health and safety reasons on any water contained within or bordering upon the municipality.

### **2. Administrative Code**

#### **a. Chapter 14-60**

This chapter details the requirements and standards for airport and seaplane base licensing. You should be very familiar with the entire chapter prior to beginning the process of applying for a seaplane base.

The official definition of a “Seaplane Base” is a designated area of water of prescribed dimensions used or intended to be used for the takeoff or landing of aircraft where docking, mooring, or ramping facilities are available for use by seaplanes or amphibious aircraft.

The full text is available from Florida DOT or SPA.

### **C. Local Municipalities (City or County)**

1. Local municipalities may prohibit or otherwise regulate seaplane operations as authorized in Florida Statutes §330.36(1) and §330.36(2). Seaplane bases are often considered airports with respect to zoning, thus requiring special zoning variances in many areas. Obtaining a variance has its own set of application, hearing, and approval procedures.

## **III. The Process**

### **A. Contact FDOT's Aviation Office**

Before you do anything else, contact Florida DOT. FDOT will provide you with the appropriate forms and instructions, along with very useful insights and guidance. Don't forget that these are folks who you need on your side!

#### **TIP #2: Keep the Government Happy**

Approach the government with respect. They have an important job to do, and they hold the power to deny your seaplane base application. Work with the government to find reasonable solutions to any problems that arise.

### **B. Sound out the neighbors**

Your neighbors can be your best allies, but more often than not they're your worst enemies. Try to find out how they feel about seaplanes so you won't be blindsided when they object emotionally during the public comment period.

#### **TIP #3: Keep the Natives Happy**

This is the most important tip we can give you. If the neighbors aren't happy, the government won't be happy, and you'll lose out one way or another, sooner or later.  
Do what it takes to keep the neighbors happy.

### **C. Explore the zoning code**

Seaplanes bases are airports in the eyes of many local officials. Since airports require special zoning variances in most areas, you may need to obtain a zoning variance before you proceed. A good lawyer specializing in land use issues is invaluable at this stage.

#### **D. Apply for an FAA airspace review**

Get the FAA airspace review started early in the process, as the FAA is not known for efficiency in processing paperwork. This is the step that is most likely to delay final certification.

#### **E. Compile data**

Compile a list of all your neighbors within 1000 feet (all directions) of the site you wish to license. Also list all airports and municipalities within 15 miles. You will need this information for your application.

#### **F. Apply for the license**

Once you have completed the paperwork, obtained a favorable FAA airspace review, and secured written zoning approval from the appropriate local municipality, you're ready to apply for the seaplane base license.

After your application has been received, FDOT will inspect the site and issue a notice of intent to all of your neighbors (within 1000 feet of the proposed site), the County Commission of the county in which the site lies, and all the airports and municipalities within 15 miles. The notice of intent will also be published in a newspaper of general circulation in the county where the site is located.

Anyone may request a public meeting within 20 days of the notice of intent. If someone requests such a meeting, the meeting must be held and FDOT must consider any comment received. Remember your neighbors? Keep them happy!

Provided that the site is safe, meets minimum standards, and everything else has gone smoothly, FDOT will proceed to issue a site approval, followed by a seaplane base license.

### **IV. In Case of Emergency...**

Politics are neither logical nor fair. You may do everything right, and come up against one obstinate neighbor who has a friend of a friend who knew someone who was killed in an airliner crash and is thus passionately opposed to aviation in general. The possibilities are endless. If it looks like your seaplane base application is going to crash and burn, bail out. If you push the bad position, you'll only stir up the hornet's nest, creating deadly publicity. Other than dooming your own efforts, you will likely doom the efforts of anyone following in your footsteps in the next several years, or even decades.

#### **TIP #4: Know When to Hold 'Em, Know When to Fold 'Em**

All's fair in love, war, and politics. If you're losing and things are getting ugly, bail out before you do irreparable damage. Pushing a bad position will only create hard feelings and make it that much harder for yourself and the next seaplane base applicant.

## V. References

### A. Publications

Seaplane Facilities, FAA Alaskan Region, 1984.

Advisory Circular 150/5395-1: Seaplane Bases, FAA, 1994.

Establishing an Airport: The Basics, AOPA, 1998

### B. Contacts

#### **Orlando FAA Flight Standards District Office**

5950 Hazeltine National Drive  
Citadel International, Ste. 500,  
Orlando, FL 32822-5023  
407/816-0000  
[www.faa.gov/fsdo/orl/index.htm](http://www.faa.gov/fsdo/orl/index.htm)

#### **Ft. Lauderdale FAA Flight Standards District Office**

1050 Lee Wagener Blvd., Suite 201  
Ft. Lauderdale, FL 33315  
954/356-7520  
[www.faa.gov/fsdo/fl/index.htm](http://www.faa.gov/fsdo/fl/index.htm)

#### **Miami FAA Flight Standards District Office**

P.O. Box 592015  
Miami, Fl. 33159-2015  
305/526-2568  
[www.faa.gov/fsdo/mia](http://www.faa.gov/fsdo/mia)

#### **Florida DOT, Aviation Office**

605 Suwannee Street, MS 46  
Tallahassee, FL 32399-0450  
850/414-4500  
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#### **Seaplane Pilots Association**

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