

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1254

SPONSOR: Transportation Committee and Senator Sebesta

SUBJECT: Space Transportation Planning Act

DATE: March 24, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This Committee Substitute (CS) creates the "Florida Space Transportation Planning Act." The CS is intended to address a wide array of issues concerning planning, developing, improving and expansion of space transportation facilities. Major provisions of the CS:

1. Exempt spaceports licensed by the Federal Aviation Administration (FAA) from airport site approval and licensing requirements.
2. Expand the boundaries of spaceport territory under the jurisdiction of the Spaceport Florida Authority (SFA).
3. Require development of a spaceport master plan by the SFA.
4. Direct the Department of Transportation (DOT) to promote and develop aerospace transportation facilities.
5. Include space transportation as a part of DOT's aviation program for system planning, and project development purposes.

This CS requires the Spaceport Florida Authority (SFA) to develop a spaceport master plan containing recommended funding levels for projects to meet current and future commercial, national and state space transportation requirements and to recommend appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund. The authority is required to submit the master plan to DOT which may be included in the DOT's 5-year work program.

The CS further provides that DOT is not authorized to expend aviation fuel tax revenues on space transportation projects.

This bill substantially amends sections 196.012, 330.30, 331.303, 331.304, 331.305, 331.308, 331.331, 331.360, 332.001, 332.004, 332.006, 332.007, 334.03, 334.27, 339.155, and 339.175, and creates section 332.009, of the Florida Statutes.

II. Present Situation:

Part II, ss. 331.301 through 331.360, of Chapter 331, F.S., known as the "Spaceport Florida Authority Act" (the "Act"), created the Spaceport Florida Authority (SFA) which has been in existence since 1989. The purpose of the Act is to provide a unified direction for space-related economic growth and educational development, to ensure a stable and dynamic economic climate, to attract and maintain space-related businesses suitable to the state, and to further the coordination and development of Florida's economy. To that end, the SFA works through the direction of its board of supervisors, with the federal government, private industry, and Florida universities to develop and expand spaceport facilities, space launch capacity, spaceport projects, and complementary activities. The SFA also works with public and private universities and community colleges in the state to increase their involvement in space-related research and education.

The Spaceport Authority's executive director reports to a nine-member board of supervisors appointed by the governor and legislature. Seven board members are appointed by the Governor, serving two and three year terms. One board member is appointed by the President of the Senate and one board member is appointed by the Speaker of the House of Representatives. These legislative appointees are non-voting members of the board.

DOT has the statutory responsibility for site approval and licensing of airports. In addition, DOT's aviation program provides planning, technical and financial assistance to the state's system of airports. In addition to local funding, airport projects receive funding from both the federal Airport and Airway Trust Fund and the State Transportation Trust Fund. Airport related tax and fee revenue from aviation fuel taxes, ticket taxes and passenger facility charges are deposited in these trust funds, providing a nexus between fees paid by system users and aviation project funding. Pursuant to statutory authorization, DOT has entered into joint participation agreements with the SFA to help implement the Spaceport Florida Authority Act. DOT is expressly prohibited from funding the administrative or operational costs of the SFA.

III. Effect of Proposed Changes:

This CS creates the "Florida Space Transportation Planning Act." The CS's primary effect is to incorporate and integrate the state's space program as administered by the SFA into the state's aviation program as administered by DOT. The CS also makes numerous technical, clarifying and conforming changes.

The CS provides spaceports licensed by the Federal Aviation Administration are exempted from laws providing for DOT approval of airport sites and licensing of airports. Current Spaceport territory in Brevard County is expanded by the bill to include Patrick Air Force Base, Cape Canaveral Air Station, and Kennedy Space Center. Further, Eglin Air Force Base in Santa Rosa, Okaloosa and Walton Counties and Homestead Air Reserve Base in Dade County are added to the Spaceport's jurisdiction.

The CS directs the SFA to develop a spaceport master plan, which will contain recommended projects to meet current and future space industry requirements. The SFA will identify appropriate funding levels for the plan, and recommend appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund. The recommended projects may be included in DOT's 5-year work program.

DOT is directed by the CS to promote the development of aerospace facilities, to address intermodal requirements of space facilities, and to assist in the development of joint-use facilities and technology that support aviation and space operations. In addition, DOT's aviation enabling legislation is modified so that SFA programs and projects would be eligible for DOT's aviation planning, development and funding program. However, the CS provides the DOT is not authorized to expend aviation fuel tax revenues on space transportation projects.

Finally, the laws related to the transportation planning functions of DOT and of Metropolitan Planning Organizations are modified to include references to spaceport facilities.

The following is a section by section analysis of the bill.

Section 1. Gives the bill the short title of the "Florida Space Transportation Planning Act."

Section 2. Exempts spaceports licensed by the Federal Aviation Administration (FAA) from state airport site approval and licensing requirements.

Section 3. Corrects obsolete references to various entities involved in SFA projects.

Section 4. Expands the boundaries of spaceport territory under the jurisdiction of the SFA.

Section 5. Deletes obsolete language

Section 6. Deletes obsolete language related to initial membership of the SFA board of supervisors.

Section 7. Deletes obsolete language related to bonding authority of the SFA.

Section 8. Directs the SFA to develop a spaceport master plan of recommended projects, and to recommend appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund. The section requires the master plan to be submitted to MPO's, and provides DOT may include qualified projects from the plan in its 5-year work program.

Section 9. Directs DOT to promote and develop aerospace transportation facilities.

Section 10. Amends numerous aviation definitional provisions to include references to aerospace, space flight and space transportation projects.

Sections 11 - 12. Amends various DOT aviation program provisions to include references to aerospace, space flight and space transportation projects; requires DOT's annual legislative budget request to be based on funding required for the space projects in DOT's work program.

Section 13. Limits the operation of chapter 332, F.S., to provide nothing in the chapter shall be construed to authorize the expenditure of aviation fuel tax revenues on space transportation projects, and that nothing in the chapter shall be construed to limit the DOT's authority to enter into joint project agreements with the SFA.

Section 14. Changes the definition of "transportation facility to include any means of transporting people or goods, rather than people and goods.

Sections 15 - 16. Modifies the laws related to the transportation planning functions of DOT and of Metropolitan Planning Organizations to include references to spaceport facilities.

Sections 17 - 18. Conforms cross references, and adds references to spaceports and the SFA concerning the definition of what activities are deemed as serving a public purpose.

Section 19. Provides an effective date of July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The SFA has the potential of providing significant infrastructure, access and operational support for a number of private space vehicle programs. To the extent this bill expands the role and resources of the SFA, the private space industry will benefit.

C. Government Sector Impact:

Unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
