

By the Committee on Transportation and Senators Sebesta,
Bronson and Kurth

306-1918-99

1 A bill to be entitled
2 An act relating to the Florida Space
3 Transportation Planning Act; providing a short
4 title; amending s. 330.30, F.S.; exempting
5 certain spaceports from a provision of law
6 relating to the approval of airport sites and
7 the licensing of airports; amending s. 331.303,
8 F.S.; revising definitions with respect to the
9 Spaceport Florida Authority Act; amending s.
10 331.304, F.S.; revising the boundaries of
11 spaceport territory; amending s. 331.305, F.S.;
12 deleting obsolete provisions; amending s.
13 331.308, F.S.; deleting obsolete provisions
14 relating to the board of supervisors; amending
15 s. 331.331, F.S.; removing a limitation on the
16 issuance of certain revenue bonds; amending s.
17 331.360, F.S.; providing for the development of
18 a spaceport master plan; directing the
19 Department of Transportation to promote and
20 develop aerospace transportation facilities;
21 amending s. 332.004, F.S.; providing
22 definitions; amending s. 332.006, F.S.;
23 providing for the duties and responsibilities
24 of the Department of Transportation with
25 respect to aerospace development; amending s.
26 332.007, F.S.; providing for the administration
27 and financing of aerospace programs and
28 projects; creating s. 332.009, F.S.; limiting
29 the operation of the chapter; amending s.
30 334.03, F.S.; redefining the term
31 "transportation facility"; amending s. 339.155,

1 F.S.; revising a provision of law governing
2 transportation planning to include reference to
3 spaceport master plans; amending s. 339.175,
4 F.S.; including reference to spaceports and
5 aerospace development with respect to
6 metropolitan planning organizations; amending
7 ss. 196.012, 334.27, F.S.; conforming
8 cross-references; providing an effective date.

9

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

11

12 Section 1. Short title--This act may be cited as the
13 "Florida Space Transportation Planning Act."

14 Section 2. Paragraph (g) is added to subsection (3) of
15 section 330.30, Florida Statutes, 1998 Supplement, to read:

16 330.30 Approval of airport sites and licensing of
17 airports; fees.--

18 (3) EXEMPTIONS.--The provisions of this section do not
19 apply to:

20 (g) A spaceport as defined in s. 331.303(19) that has
21 been licensed by the Federal Aviation Administration.

22 Section 3. Subsection (16) of section 331.303, Florida
23 Statutes, is amended to read:

24 331.303 Definitions.--

25 (16) "Project" means any development, improvement,
26 property, launch, utility, facility, system, works, road,
27 sidewalk, enterprise, service, or convenience, which may
28 include coordination with Enterprise Florida, Inc.~~the Florida~~
29 ~~High Technology and Industry Council~~, the Board of Regents,
30 the Florida Space Institute, and the Florida Space Grant
31 Consortium ~~Space Research Foundation~~; any rocket, capsule,

1 module, launch facility, assembly facility, operations or
2 control facility, tracking facility, administrative facility,
3 or any other type of space-related transportation vehicle,
4 station, or facility; any type of equipment or instrument to
5 be used or useful in connection with any of the foregoing; any
6 type of intellectual property and intellectual property
7 protection in connection with any of the foregoing including,
8 without limitation, any patent, copyright, trademark, and
9 service mark for, among other things, computer software; any
10 water, wastewater, gas, or electric utility system, plant, or
11 distribution or collection system; any small business
12 incubator initiative, including any startup aerospace company,
13 research and development company, research and development
14 facility, storage facility, and consulting service; or any
15 tourism initiative, including any space experience attraction,
16 space-launch-related activity, and space museum sponsored or
17 promoted by the authority.

18 Section 4. Section 331.304, Florida Statutes, is
19 amended to read:

20 331.304 Spaceport territory.--The following property
21 shall constitute spaceport territory:

22 (1) Certain real property located in Brevard County
23 that is included within the 1998 boundaries of Patrick Air
24 Force Base, Cape Canaveral Air Station, John F. Kennedy Space
25 Center with the following boundaries:

26 ~~(a) Northern boundary--Latitude 28°32'30" North.~~

27 ~~(b) Eastern boundary--The mean high water line of the~~
28 ~~shore along the Atlantic Ocean.~~

29 ~~(c) Western boundary--Cape Road (State Road 401).~~

30 ~~(d) Southern boundary--Latitude 28°26' North.~~

31

1 (2) Certain real property located in Gulf County with
2 the following boundaries:

3 (a) Northern boundary--Latitude 29°40'45" North from
4 longitude 85°20' West in a westerly direction to the mean high
5 water line of the Gulf of Mexico.

6 (b) Eastern boundary--Longitude 85°20' West.

7 (c) Western boundary--The mean high water line of the
8 shore along the Gulf of Mexico.

9 (d) Southern boundary--The mean high water line of the
10 shore along the Gulf of Mexico.

11 (3) Certain real property located in Santa Rosa,
12 Okaloosa, and Walton Counties that is included within the 1997
13 boundaries of Eglin Air Force Base.

14 (4) Certain real property within Dade County that is
15 included within the 1997 boundaries of the Homestead Air
16 Reserve Base.

17 Section 5. Subsections (1), (4), and (21) of section
18 331.305, Florida Statutes, are amended to read:

19 331.305 Powers of the authority.--The authority shall
20 have the power to:

21 (1) Exercise all powers granted to corporations under
22 the Florida Business ~~General~~ Corporation Act, chapter 607.

23 (4) Review and make recommendations with respect to a
24 strategy to guide and facilitate the future of space-related
25 educational and commercial development. The authority shall
26 in coordination with the Federal Government, private industry,
27 and Florida universities develop a business plan which shall
28 address the expansion of Spaceport Florida locations, space
29 launch capacity, spaceport projects, and complementary
30 activities, which shall include, but not be limited to, a
31 detailed analysis of:

- 1 (a) The authority and the commercial space industry.
2 (b) Products, services description--potential,
3 technologies, skills.
4 (c) Market research and evaluation--customers,
5 competition, economics.
6 (d) Marketing plan and strategy.
7 (e) Design and development plan--tasks, difficulties,
8 costs.
9 (f) Manufacturing locations, facilities, and
10 operations plan.
11 (g) Management organization--roles and
12 responsibilities.
13 (h) Overall schedule (monthly).
14 (i) Important risks, assumptions, and problems.
15 (j) Community impact--economic, human development,
16 community development.
17 (k) Financial plan (monthly for first year; quarterly
18 for next 3 years).
19 (l) Proposed authority offering--financing,
20 capitalization, use of funds.
21
22 ~~A final report containing the recommendations and business~~
23 ~~plan of the authority shall be completed and submitted prior~~
24 ~~to the 1990 Regular Session of the Legislature, along with any~~
25 ~~proposed statutory changes and related legislative budget~~
26 ~~requests required to implement the business plan, to the~~
27 ~~Governor, the President of the Senate, the Speaker of the~~
28 ~~House of Representatives, the minority leader of the Senate,~~
29 ~~and the minority leader of the House of Representatives.~~
30 (21) Issue revenue bonds, assessment bonds, or any
31 other bonds or obligations authorized by the provisions of

1 | this act or any other law, or any combination of the
2 | foregoing, and pay all or part of the cost of the acquisition,
3 | construction, reconstruction, extension, repair, improvement,
4 | or maintenance of any project or combination of projects,
5 | including payloads and space flight hardware, and equipment
6 | for research, development, and educational activities, to
7 | provide for any facility, service, or other activity of the
8 | authority, and provide for the retirement or refunding of any
9 | bonds or obligations of the authority, or for any combination
10 | of the foregoing purposes. ~~Until December 31, 1994, bonds,~~
11 | ~~other than conduit bonds, issued under the authority contained~~
12 | ~~in this act shall not exceed a total of \$500 million and must~~
13 | ~~first be approved by a majority of the members of the Governor~~
14 | ~~and Cabinet.~~ The authority must provide 14 days' notice to
15 | the presiding officers and appropriations chairs of both
16 | houses of the Legislature prior to presenting a bond proposal
17 | to the Governor and Cabinet. If either presiding officer or
18 | appropriations chair objects to the bonding proposal within
19 | the 14-day-notice period, the bond issuance may be approved
20 | only by a vote of two-thirds of the members of the Governor
21 | and Cabinet.

22 | Section 6. Subsection (2) of section 331.308, Florida
23 | Statutes, is amended to read:

24 | 331.308 Board of supervisors.--

25 | (2) Initially, the Governor shall appoint four regular
26 | members for terms of 3 years or until successors are appointed
27 | and qualified and three regular members for terms of 4 years
28 | or until successors are appointed and qualified. Thereafter,
29 | each such member shall serve a term of 4 years or until a
30 | successor is appointed and qualified. The term of each such
31 | member shall be construed to commence on the date of

1 appointment and to terminate on June 30 of the year of the end
2 of the term. ~~The terms for such members initially appointed~~
3 ~~shall be construed to include the time between initial~~
4 ~~appointment and June 30, 1992, for those appointed for 3-year~~
5 ~~terms, and June 30, 1993, for those appointed for 4-year~~
6 ~~terms. No such member shall be allowed to serve an initial~~
7 ~~3-year term or fill any vacancy for the remainder of a term~~
8 ~~for less than 4 years.~~ Appointment to the board shall not
9 preclude any such member from holding any other private or
10 public position.

11 Section 7. Subsection (1) of section 331.331, Florida
12 Statutes, is amended to read:

13 331.331 Revenue bonds.--

14 (1) Revenue bonds issued by the authority shall not be
15 deemed revenue bonds issued by the state or its agencies for
16 purposes of s. 11, Art. VII of the State Constitution and ss.
17 215.57-215.83. ~~However, until December 31, 1994, the power of~~
18 ~~the authority to issue revenue bonds shall be limited as~~
19 ~~provided in s. 331.305.~~ The authority shall include in its
20 annual report to the Governor and Legislature, as provided in
21 s. 331.310, a summary of the status of existing and proposed
22 bonding projects.

23 Section 8. Section 331.360, Florida Statutes, is
24 amended to read:

25 331.360 Joint project agreement or assistance.--

26 (1) Notwithstanding any other provision of law, the
27 Department of Transportation may enter into a joint project
28 agreement with, or otherwise assist, the Spaceport Florida
29 Authority as necessary to effectuate the provisions of this
30 chapter and may allocate funds for such purposes in its 5-year
31

1 work program. However, the department may not fund the
2 administrative or operational costs of the authority.

3 (2) The authority shall develop a spaceport master
4 plan for expansion and modernization of space transportation
5 facilities within spaceport territories as defined in s.
6 331.303(22). The plan shall contain recommended projects to
7 meet current and future commercial, national, and state space
8 transportation requirements, and identify appropriate funding
9 levels and sources. The authority shall submit the plan to any
10 appropriate M.P.O. for review of intermodal impacts. The
11 authority shall submit the spaceport master plan to the
12 Department of Transportation and such plan may be included
13 within the department's 5-year work program of qualifying
14 aerospace discretionary capacity improvement under ss.
15 332.001-332.007. The plan shall include recommendations on
16 appropriate sources of revenue that may be developed to
17 contribute to the State Transportation Trust Fund.

18 Section 9. Section 332.001, Florida Statutes, is
19 amended to read:

20 332.001 Aviation and aerospace; powers and duties of
21 the Department of Transportation.--

22 (1) It shall be the duty, function, and responsibility
23 of the Department of Transportation to plan airport systems in
24 this state. In carrying out this duty and responsibility, the
25 department may assist and advise, cooperate, and coordinate
26 with the federal, state, local, or private organizations and
27 individuals in planning such systems of airports.

28 (2) It shall be the duty, function, and responsibility
29 of the Department of Transportation to promote the further
30 development and improvement of air routes, airport facilities,
31 and landing fields and protect their approaches and to

1 stimulate the development of aviation commerce and air
2 facilities. In carrying out this duty and responsibility, the
3 department may advise and cooperate with municipalities,
4 counties, regional authorities, state agencies, appropriate
5 federal agencies, and interested private individuals and
6 groups.

7 (3) It shall be the duty, function, and responsibility
8 of the Department of Transportation to promote the further
9 development and improvement of aerospace transportation
10 facilities, to address intermodal requirements and impacts of
11 the launch ranges, spaceports, and other aerospace
12 transportation facilities, to assist in the development of
13 joint-use facilities and technology that support aviation and
14 aerospace operations, and to promote cooperative efforts
15 between federal and state government entities to improve space
16 transportation capacity and efficiency. In carrying out this
17 duty and responsibility, the department may assist and advise,
18 cooperate, and coordinate with federal, state, local, or
19 private organizations and individuals.

20 Section 10. Section 332.004, Florida Statutes, is
21 amended to read:

22 332.004 Definitions of terms used in ss.
23 332.003-332.007.--As used in ss. 332.003-332.007, the term:

24 (1) "Aerospace" means the science and art of space
25 flight and includes, but is not limited to, transportation to
26 and from orbital and suborbital locations by expendable launch
27 vehicles, sounding rockets, the space transportation system,
28 and other reusable launch vehicles; the operation,
29 construction, repair, or maintenance of spacecraft, spacecraft
30 engines, and accessories; the design, establishment,
31 construction, extension, operation, improvement, repair, or

1 maintenance of spaceports or other space tracking facilities;
2 and instruction in space flight or ground subjects pertaining
3 thereto.

4 (2) "Aerospace discretionary capacity improvement
5 projects" means capacity improvements which enhance space
6 transportation capacity at spaceports which have had one or
7 more orbital or suborbital flights during the previous
8 calendar year or have an agreement in writing for installation
9 of one or more regularly scheduled orbital or suborbital
10 flights upon the commitment of funds for stipulated spaceport
11 capital improvements.

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

17 (4)~~(1)~~ "Airport" means any area of land or water, or
18 any manmade object or facility located therein, which is used,
19 or intended for public use, for the landing and takeoff of
20 aircraft, and any appurtenant areas which are used, or
21 intended for public use, for airport buildings or other
22 airport facilities or rights-of-way.

23 (5)~~(2)~~ "Airport hazard" means any structure or object
24 of natural growth located on or in the vicinity of a
25 public-use airport, or any use of land near such airport,
26 which obstructs or causes an obstruction to the airspace
27 required for the flight of aircraft in landing or taking off
28 at such airport or is otherwise hazardous to landing or taking
29 off at such airport.

30 (6)~~(3)~~ "Airport master planning" means the
31 development, for planning purposes, of information and

1 guidance to determine the extent, type, and nature of
2 development needed at a specific airport.

3 (7)~~(4)~~ "Airport or aviation development project" or
4 "development project" means any activity associated with the
5 design, construction, purchase, improvement, or repair of a
6 public-use airport or portion thereof, including, but not
7 limited to: the purchase of equipment; the acquisition of
8 land, including land required as a condition of a federal,
9 state, or local permit or agreement for environmental
10 mitigation; the removal, lowering, relocation, marking, and
11 lighting of airport hazards; the installation of navigation
12 aids used by aircraft in landing at or taking off from a
13 public airport; the installation of safety equipment required
14 by rule or regulation for certification of the airport under
15 s. 612 of the Federal Aviation Act of 1958, and amendments
16 thereto; and the improvement of access to the airport by road
17 or rail system which is on airport property and which is
18 consistent, to the maximum extent feasible, with the approved
19 local government comprehensive plan of the units of local
20 government in which the airport is located.

21 (8)~~(5)~~ "Airport or aviation discretionary capacity
22 improvement projects" or "discretionary capacity improvement
23 projects" means capacity improvements which are consistent, to
24 the maximum extent feasible, with the approved local
25 government comprehensive plans of the units of local
26 government in which the airport is located, and which enhance
27 intercontinental capacity at airports which:

28 (a) Are international airports with United States
29 Customs Service;

30 (b) Had one or more regularly scheduled
31 intercontinental flights during the previous calendar year or

1 have an agreement in writing for installation of one or more
2 regularly scheduled intercontinental flights upon the
3 commitment of funds for stipulated airport capital
4 improvements; and

5 (c) Have available or planned public ground
6 transportation between the airport and other major
7 transportation facilities.

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

17 (10)(6) "Aviation and aerospace system planning" means
18 the development of comprehensive aviation and aerospace plans
19 designed to achieve and facilitate the establishment of a
20 statewide, integrated aviation aerospace system in order to
21 meet the current and future aviation and aerospace needs of
22 this state.

23 (11)(7) "Eligible agency" means a political
24 subdivision of the state or an authority which owns or seeks
25 to develop a public-use airport.

26 (12)(8) "Federal aid" means funds made available from
27 the Federal Government for the accomplishment of airport or
28 aviation development projects.

29 (13)(9) "Florida airport system" means all existing
30 public-use airports that are owned and operated within the
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1 state and those public-use airports which will be developed
2 and made operational in the future.

3 (14)~~(10)~~ "Landing area" means that area used or
4 intended to be used for the landing, takeoff, or surface
5 maneuvering of an aircraft.

6 (15)~~(11)~~ "Planning agency" means any agency authorized
7 by the laws of the state or by a political subdivision to
8 engage in area planning for the areas in which assistance
9 under this act is contemplated.

10 (16)~~(12)~~ "Project" means a project for the
11 accomplishment of airport or aviation development or airport
12 master planning.

13 (17)~~(13)~~ "Project cost" means any cost involved in
14 accomplishing a project.

15 (18)~~(14)~~ "Public-use airport" means any publicly owned
16 airport which is used or to be used for public purposes.

17 (19) "Spaceport" shall have the same meaning as
18 defined in s. 331.303(19).

19 (20)~~(15)~~ "Sponsor" means any eligible agency which,
20 either individually or jointly with one or more eligible
21 agencies, submits to the department an application for
22 financial assistance for an airport development project in
23 accordance with this act, or the Spaceport Florida Authority
24 for the submission of a spaceport development project.

25 Section 11. Section 332.006, Florida Statutes, is
26 amended to read:

27 332.006 Duties and responsibilities of the Department
28 of Transportation.--The Department of Transportation shall,
29 within the resources provided pursuant to chapter 216:

30 (1) Provide coordination and assistance for the
31 development of a viable aviation and aerospace system in this

1 state. To support the system, a statewide aviation and
2 aerospace system plan shall be developed and periodically
3 updated which summarizes 5-year, 10-year, and 20-year airport,
4 and aviation, and aerospace needs within the state. The
5 statewide aviation and aerospace system plan shall be
6 consistent with the goals of the Florida Transportation Plan
7 developed pursuant to s. 339.155. The statewide aviation and
8 aerospace system plan shall not preempt local airport master
9 plans adopted in compliance with federal and state
10 requirements or spaceport master plans adopted by the
11 Spaceport Florida Authority.

12 (2) Advise and assist the Governor in all aviation and
13 aerospace matters.

14 (3)(a) Upon request, assist airport sponsors, both
15 financially and technically, in airport master planning.

16 (b) Upon request, assist the Spaceport Florida
17 Authority, both financially and technically in spaceport
18 planning.

19 (4) Upon request, provide financial and technical
20 assistance to public agencies which operate public-use
21 airports or spaceports by making department personnel and
22 department-owned facilities and equipment available on a
23 cost-reimbursement basis to such agencies for special needs of
24 limited duration. The requirement relating to reimbursement
25 of personnel costs may be waived by the department in those
26 cases in which the assistance provided by its personnel was of
27 a limited nature or duration.

28 (5) Participate in research and development programs
29 relating to airports and aerospace.

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31

1 (6) Administer department participation in the program
2 of aviation, aerospace, and airport grants as provided for in
3 ss. 332.003-332.007.

4 (7) Develop, promote, and distribute supporting
5 information and educational services.

6 (8) Encourage the maximum allocation of federal funds
7 to local airport and spaceport projects in this state.

8 (9) Support the development of land located within the
9 boundaries of airports and spaceports for the purpose of
10 industrial or other uses compatible with airport and spaceport
11 operations with the objective of assisting airports and
12 spaceports in this state to become fiscally self-supporting.
13 Such assistance may include providing state moneys on a
14 matching basis to airport sponsors and the Spaceport Florida
15 Authority for capital improvements, including, but not limited
16 to, fixed-base operation facilities, parking areas, industrial
17 park utility systems, and road and rail transportation systems
18 which are on airport property.

19 Section 12. Section 332.007, Florida Statutes, is
20 amended to read:

21 332.007 Administration and financing of aviation, and
22 airport, and aerospace programs and projects; state plan.--

23 (1) Federal funding of individual local airport
24 projects shall continue to be wholly between the local airport
25 sponsors and the appropriate federal agencies; however, the
26 Department of Transportation is authorized to receive federal
27 grants for statewide projects when no local sponsor is
28 available.

29 (2)(a) The Department of Transportation shall prepare
30 and continuously update an aviation, and airport, and
31 aerospace work program in accordance with subsections (6), and

1 (7), and (8) based on a collection of the local sponsors'
2 proposed projects to be included in the work program of the
3 department developed pursuant to s. 339.135. The airport work
4 program shall separately identify development projects and
5 discretionary capacity improvement projects.

6 (b) The aviation and airport work program shall be
7 consistent with the statewide aviation and aerospace system
8 plan and, to the maximum extent feasible, consistent with
9 approved local government comprehensive plans. Projects
10 involving funds administered by the department to be
11 undertaken and implemented by the airport sponsor shall be
12 included in the aviation and airport work program.

13 (3) Assistance pursuant to the provisions of this
14 section shall only be provided for projects which are included
15 in the department's adopted work program developed pursuant to
16 s. 339.135.

17 (4)(a) The annual legislative budget request for
18 aviation and airport development projects shall be based on
19 the funding required for development projects in the aviation,
20 and airport, and aerospace work program. The department shall
21 provide priority funding in support of the planning, design,
22 and construction of proposed projects by local sponsors, with
23 special emphasis on projects for runways and taxiways,
24 including the painting and marking of runways and taxiways,
25 lighting, other related airside activities, and airport access
26 transportation facility projects on airport property.

27 (b) Projects which provide for construction of an
28 automatic weather observation station are eligible for the use
29 of funds provided for herein.

30 (c) No single airport shall secure airport or aviation
31 development project funds in excess of 25 percent of the total

1 airport or aviation development project funds available in any
2 given budget year. However, any airport which receives
3 discretionary capacity improvement project funds in a given
4 fiscal year shall not receive greater than 10 percent of total
5 aviation and airport development project funds appropriated in
6 that fiscal year.

7 (d) Unless prohibited by the appropriations act or
8 general legislation, the department may transfer funds for an
9 airport and aviation development project to other airport and
10 aviation development projects to maximize the aviation
11 services or federal aid available to this state.

12 (5) Only those projects or programs provided for in
13 this act that will contribute to the implementation of the
14 state aviation and aerospace system plan, that are consistent
15 with and will contribute to the implementation of any airport
16 or spaceport master plan or layout plan, and that are
17 consistent, to the maximum extent feasible, with the approved
18 local government comprehensive plans of the units of
19 government in which the airport or spaceport is located are
20 eligible for the expenditure of state funds in accordance with
21 fund participation rates and priorities established herein.

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

28 (a) The department may fund up to 50 percent of the
29 portion of eligible project costs which are not funded by the
30 Federal Government, except that the department may initially
31 fund up to 75 percent of the cost of land acquisition for a

1 new airport or for the expansion of an existing airport which
2 is owned and operated by a municipality, a county, or an
3 authority, and shall be reimbursed to the normal statutory
4 project share when federal funds become available or within 10
5 years after the date of acquisition, whichever is earlier.

6 Due to federal budgeting constraints, the department may also
7 initially fund the federal portion of eligible project costs
8 subject to:

9 1. The department receiving adequate assurance from
10 the Federal Government or local sponsor that this amount will
11 be reimbursed to the department; and

12 2. The department having adequate funds in the work
13 program to fund the project.

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15 Such projects must be contained in the Federal Government's
16 Airport Capital Improvement Program, and the Federal
17 Government must fund, or have funded, the first year of the
18 project.

19 (b) The department may retroactively reimburse cities,
20 counties, or airport authorities up to 50 percent of the
21 nonfederal share for land acquisition when such land is needed
22 for airport safety, expansion, tall structure control, clear
23 zone protection, or noise impact reduction. No land purchased
24 prior to July 1, 1990, or purchased prior to executing the
25 required department agreements shall be eligible for
26 reimbursement.

27 (c) When federal funds are not available, the
28 department may fund up to 80 percent of master planning and
29 eligible aviation development projects at publicly owned,
30 publicly operated airports. Such funding is limited to
31 airports that have no scheduled commercial service.

1 (d) The department is authorized to fund up to 100
2 percent of the cost of an eligible project that is statewide
3 in scope or that involves more than one county where no other
4 governmental entity or appropriate jurisdiction exists.

5 (7) Subject to the availability of appropriated funds
6 in addition to aviation fuel tax revenues, the department may
7 participate in the capital cost of eligible public airport and
8 aviation discretionary capacity improvement projects. The
9 annual legislative budget request shall be based on the
10 funding required for discretionary capacity improvement
11 projects in the aviation, and airport, and aerospace work
12 program.

13 (a) The department shall provide priority funding in
14 support of:

15 1. Land acquisition which provides additional capacity
16 at the qualifying international airport or at that airport's
17 supplemental air carrier airport.

18 2. Runway and taxiway projects that add capacity or
19 are necessary to accommodate technological changes in the
20 aviation industry.

21 3. Airport access transportation projects that improve
22 direct airport access and are approved by the airport sponsor.

23 4. International terminal projects that increase
24 international gate capacity.

25 (b) No single airport shall secure discretionary
26 capacity improvement project funds in excess of 50 percent of
27 the total discretionary capacity improvement project funds
28 available in any given budget year.

29 (c) Unless prohibited by the General Appropriations
30 Act or by law, the department may transfer funds within each
31 category of the airport and aviation discretionary capacity

1 improvement program to maximize the aviation services or
2 federal aid available to this state.

3 (d) The department may fund up to 50 percent of the
4 portion of eligible project costs which are not funded by the
5 Federal Government except that the department may initially
6 fund up to 75 percent of the cost of land acquisition for a
7 new airport or for the expansion of an existing airport which
8 is owned and operated by a municipality, a county, or an
9 authority, and shall be reimbursed to the normal statutory
10 project share when federal funds become available or within 10
11 years after the date of acquisition, whichever is earlier.

12 (8) Subject to the availability of appropriated funds,
13 the department may participate in the capital cost of eligible
14 aerospace discretionary capacity improvement projects. The
15 annual legislative budget request shall be based on the
16 funding required for aerospace discretionary capacity
17 improvement projects in the aviation, airport, and aerospace
18 work program.

19 Section 13. Section 332.009, Florida Statutes, is
20 created to read:

21 332.009 Limitation on operation of chapter.--Nothing
22 in this chapter shall be construed to authorize expenditure of
23 aviation fuel tax revenues on space transportation projects.
24 Nothing in this chapter shall be construed to limit the
25 department's authority under s. 331.360.

26 Section 14. Subsection (31) of section 334.03, Florida
27 Statutes, is amended to read:

28 334.03 Definitions.--When used in the Florida
29 Transportation Code, the term:

30 (31) "Transportation facility" means any means for the
31 transportation of people or ~~and~~ property from place to place

1 which is constructed, operated, or maintained in whole or in
2 part from public funds. The term includes the property or
3 property rights, both real and personal, which have been or
4 may be established by public bodies for the transportation of
5 people or ~~and~~ property from place to place.

6 Section 15. Paragraph (d) of subsection (2) of section
7 339.155, Florida Statutes, is amended, present paragraphs (w)
8 and (x) of that subsection are redesignated as paragraphs (x)
9 and (y), respectively, and a new paragraph (w) is added to
10 that subsection, to read:

11 339.155 Transportation planning.--The department shall
12 develop and annually update a statewide transportation plan,
13 to be known as the Florida Transportation Plan. The plan
14 shall be designed so as to be easily read and understood by
15 the general public.

16 (2) DEVELOPMENT CRITERIA.--The Florida Transportation
17 Plan shall consider the needs of the entire state
18 transportation system, examine the use of all modes of
19 transportation to effectively and efficiently meet such needs,
20 and provide for the interconnection of all types of modes in a
21 comprehensive intermodal transportation system. In developing
22 the Florida Transportation Plan, the department shall consider
23 the following:

24 (d) International border crossings and access to
25 ports, airports, spaceports, intermodal transportation
26 facilities, major freight distribution routes, national parks,
27 recreation and scenic areas, monuments and historic sites, and
28 military installations.

29 (w) The spaceport master plan approved by the
30 Spaceport Florida Authority.

31

1 Section 16. Paragraph (a) of subsection (2), paragraph
2 (b) of subsection (5), paragraph (a) of subsection (6),
3 paragraphs (a) and (c) of subsection (7), and paragraph (a) of
4 subsection (9) of section 339.175, Florida Statutes, 1998
5 Supplement, are amended to read:

6 339.175 Metropolitan planning organization.--It is the
7 intent of the Legislature to encourage and promote the
8 development of transportation systems embracing various modes
9 of transportation in a manner that will maximize the mobility
10 of people and goods within and through urbanized areas of this
11 state and minimize, to the maximum extent feasible, and
12 together with applicable regulatory government agencies,
13 transportation-related fuel consumption and air pollution. To
14 accomplish these objectives, metropolitan planning
15 organizations, referred to in this section as M.P.O.'s, shall
16 develop, in cooperation with the state, transportation plans
17 and programs for metropolitan areas. Such plans and programs
18 must provide for the development of transportation facilities
19 that will function as an intermodal transportation system for
20 the metropolitan area. The process for developing such plans
21 and programs shall be continuing, cooperative, and
22 comprehensive, to the degree appropriate, based on the
23 complexity of the transportation problems.

24 (2) VOTING MEMBERSHIP.--

25 (a) The voting membership of an M.P.O. shall consist
26 of not fewer than 5 or more than 19 apportioned members, the
27 exact number to be determined on an equitable
28 geographic-population ratio basis by the Governor, based on an
29 agreement among the affected units of general-purpose local
30 government as required by federal rules and regulations. The
31 Governor, in accordance with 23 U.S.C. s. 134, as amended by

1 the Intermodal Surface Transportation Efficiency Act of 1991,
2 may also provide for M.P.O. members who represent
3 municipalities to alternate with representatives from other
4 municipalities within the designated urban area that do not
5 have members on the M.P.O. County commission members shall
6 compose not less than one-third of the M.P.O. membership,
7 except for an M.P.O. with more than 15 members located in a
8 county with a five-member county commission or an M.P.O. with
9 19 members located in a county with no more than 6 county
10 commissioners, in which case county commission members may
11 compose less than one-third percent of the M.P.O. membership,
12 but all county commissioners must be members. All voting
13 members shall be elected officials of general-purpose
14 governments, except that an M.P.O. may include, as part of its
15 apportioned voting members, a member of a statutorily
16 authorized planning board,or an official of an agency that
17 operates or administers a major mode of transportation, or an
18 official of the Spaceport Florida Authority. In metropolitan
19 areas in which authorities or other agencies have been, or may
20 be, created by law to perform transportation functions that
21 are not under the jurisdiction of a general-purpose local
22 government represented on the M.P.O., they shall be provided
23 voting membership on the M.P.O. The county commission shall
24 compose not less than 20 percent of the M.P.O. membership if
25 an official of an agency that operates or administers a major
26 mode of transportation has been appointed to an M.P.O.

27 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
28 privileges, and authority of an M.P.O. are those specified in
29 this section or incorporated in an interlocal agreement
30 authorized under s. 163.01. Each M.P.O. shall perform all
31 acts required by federal or state laws or rules, now and

1 subsequently applicable, which are necessary to qualify for
2 federal aid. It is the intent of this section that each M.P.O.
3 shall be involved in the planning and programming of
4 transportation facilities, including, but not limited to,
5 airports, intercity and high-speed rail lines, seaports, and
6 intermodal facilities, to the extent permitted by state or
7 federal law.

8 (b) In developing the long-range transportation plan
9 and the transportation improvement program required under
10 paragraph (a), each M.P.O. must, at a minimum, consider:

11 1. The preservation of existing transportation
12 facilities and, where practical, ways to meet transportation
13 needs by using existing facilities more efficiently;

14 2. The consistency of transportation planning with
15 applicable federal, state, and local energy conservation
16 programs, goals, and objectives;

17 3. The need to relieve congestion and prevent
18 congestion from occurring where it does not yet occur;

19 4. The likely effect of transportation policy
20 decisions on land use and development and the consistency of
21 transportation plans and programs with all applicable
22 short-term and long-term land use and development plans;

23 5. The programming of transportation enhancement
24 activities as required by federal law;

25 6. The effect of all transportation projects to be
26 undertaken in the metropolitan area, without regard to whether
27 such projects are publicly funded;

28 7. The provision of access to seaports, airports,
29 spaceports, intermodal transportation facilities, major
30 freight distribution routes, national and state parks,
31

1 recreation areas, monuments and historic sites, and military
2 installations;

3 8. The need for roads within the metropolitan area to
4 efficiently connect with roads outside the metropolitan area;

5 9. The transportation needs identified through the use
6 of transportation management systems required by federal or
7 state law;

8 10. The preservation of rights-of-way for construction
9 of future transportation projects, including the
10 identification of unused rights-of-way that may be needed for
11 future transportation corridors and the identification of
12 corridors for which action is most needed to prevent
13 destruction or loss;

14 11. Any available methods to enhance the efficient
15 movement of freight;

16 12. The use of life-cycle costs in the design and
17 engineering of bridges, tunnels, or pavement;

18 13. The overall social, economic, energy, and
19 environmental effects of transportation decisions;

20 14. Any available methods to expand or enhance transit
21 services and increase the use of such services; and

22 15. The possible allocation of capital investments to
23 increase security for transit systems.

24 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
25 long-range transportation plan that addresses at least a
26 20-year planning horizon. The plan must include both
27 long-range and short-range strategies and must comply with all
28 other state and federal requirements. The long-range plan must
29 be consistent, to the maximum extent feasible, with future
30 land use elements and the goals, objectives, and policies of
31 the approved local government comprehensive plans of the units

1 of local government located within the jurisdiction of the
2 M.P.O. The approved long-range plan must be considered by
3 local governments in the development of the transportation
4 elements in local government comprehensive plans and any
5 amendments thereto. The long-range plan must, at a minimum:

6 (a) Identify transportation facilities, including, but
7 not limited to, major roadways, airports, seaports,
8 spaceports, commuter rail systems, transit systems, and
9 intermodal or multimodal terminals that will function as an
10 integrated metropolitan transportation system. The long-range
11 plan must give emphasis to those transportation facilities
12 that serve national, statewide, or regional functions, and
13 must consider the goals and objectives identified in the
14 Florida Transportation Plan as provided in s. 339.155.

15
16 In the development of its long-range plan, each M.P.O. must
17 provide affected public agencies, representatives of
18 transportation agency employees, private providers of
19 transportation, other interested parties, and members of the
20 general public with a reasonable opportunity to comment on the
21 long-range plan. The long-range plan must be approved by the
22 M.P.O.

23 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
24 shall, in cooperation with the state and affected public
25 transportation operators, develop a transportation improvement
26 program for the area within the jurisdiction of the M.P.O. In
27 the development of the transportation improvement program,
28 each M.P.O. must provide affected public transit agencies,
29 representatives of transportation agency employees, private
30 providers of transportation, other interested parties, and

31

1 members of the general public with a reasonable opportunity to
2 comment on the transportation improvement program.

3 (a) Each M.P.O. is responsible for developing,
4 annually, a list of project priorities and a transportation
5 improvement program. The transportation improvement program
6 will be used to initiate federally aided transportation
7 facilities and improvements as well as other transportation
8 facilities and improvements including transit, rail, aviation,
9 aerospace, and port facilities to be funded from the State
10 Transportation Trust Fund within its metropolitan area in
11 accordance with existing and subsequent federal and state laws
12 and rules and regulations related thereto. The transportation
13 improvement program shall be consistent, to the maximum extent
14 feasible, with the approved local government comprehensive
15 plans of the units of local government whose boundaries are
16 within the metropolitan area of the M.P.O.

17 (c) The transportation improvement program must, at a
18 minimum:

19 1. Include projects and project phases to be funded
20 with state or federal funds within the time period of the
21 transportation improvement program and which are recommended
22 for advancement during the next fiscal year and 4 subsequent
23 fiscal years. Such projects and project phases must be
24 consistent, to the maximum extent feasible, with the approved
25 local government comprehensive plans of the units of local
26 government located within the jurisdiction of the M.P.O. For
27 informational purposes, the transportation improvement program
28 shall also include a list of projects to be funded from local
29 or private revenues.

30 2. Include projects within the metropolitan area which
31 are proposed for funding under 23 U.S.C. s. 134 of the Federal

1 Transit Act and which are consistent with the long-range plan
2 developed under subsection (6).

3 3. Provide a financial plan that demonstrates how the
4 transportation improvement program can be implemented;
5 indicates the resources, both public and private, that are
6 reasonably expected to be available to accomplish the program;
7 and recommends any innovative financing techniques that may be
8 used to fund needed projects and programs. Such techniques
9 may include the assessment of tolls, the use of value capture
10 financing, or the use of congestion pricing. The
11 transportation improvement program may include a project or
12 project phase only if full funding can reasonably be
13 anticipated to be available for the project or project phase
14 within the time period contemplated for completion of the
15 project or project phase.

16 4. Group projects and project phases of similar
17 urgency and anticipated staging into appropriate staging
18 periods.

19 5. Indicate how the transportation improvement program
20 relates to the long-range plan developed under subsection (6),
21 including providing examples of specific projects or project
22 phases that further the goals and policies of the long-range
23 plan.

24 6. Indicate whether any project or project phase is
25 inconsistent with an approved comprehensive plan of a unit of
26 local government located within the jurisdiction of the M.P.O.
27 If a project is inconsistent with an affected comprehensive
28 plan, the M.P.O. must provide justification for including the
29 project in the transportation improvement program.

30 7. Indicate how the improvements are consistent, to
31 the maximum extent feasible, with affected seaport,and

1 airport, and spaceport master plans and with public transit
2 development plans of the units of local government located
3 within the jurisdiction of the M.P.O.

4 (9) AGREEMENTS.--

5 (a) Each M.P.O. shall execute the following written
6 agreements, which shall be reviewed, and updated as necessary,
7 every 5 years:

8 1. An agreement with the department clearly
9 establishing the cooperative relationship essential to
10 accomplish the transportation planning requirements of state
11 and federal law.

12 2. An agreement with the metropolitan and regional
13 intergovernmental coordination and review agencies serving the
14 metropolitan areas, specifying the means by which activities
15 will be coordinated and how transportation planning and
16 programming will be part of the comprehensive planned
17 development of the area.

18 3. An agreement with operators of public
19 transportation systems, including transit systems, commuter
20 rail systems, airports, ~~and~~ seaports, and spaceports,
21 describing the means by which activities will be coordinated
22 and specifying how public transit, commuter rail, aviation,
23 ~~and seaport,~~ and aerospace planning and programming will be
24 part of the comprehensive planned development of the
25 metropolitan area.

26 Section 17. Subsection (6) of section 196.012, Florida
27 Statutes, is amended to read:

28 196.012 Definitions.--For the purpose of this chapter,
29 the following terms are defined as follows, except where the
30 context clearly indicates otherwise:

31

1 (6) Governmental, municipal, or public purpose or
2 function shall be deemed to be served or performed when the
3 lessee under any leasehold interest created in property of the
4 United States, the state or any of its political subdivisions,
5 or any municipality, agency, special district, authority, or
6 other public body corporate of the state is demonstrated to
7 perform a function or serve a governmental purpose which could
8 properly be performed or served by an appropriate governmental
9 unit or which is demonstrated to perform a function or serve a
10 purpose which would otherwise be a valid subject for the
11 allocation of public funds. For purposes of the preceding
12 sentence, an activity undertaken by a lessee which is
13 permitted under the terms of its lease of real property
14 designated as an aviation area on an airport layout plan which
15 has been approved by the Federal Aviation Administration and
16 which real property is used for the administration, operation,
17 business offices and activities related specifically thereto
18 in connection with the conduct of an aircraft full service
19 fixed base operation which provides goods and services to the
20 general aviation public in the promotion of air commerce shall
21 be deemed an activity which serves a governmental, municipal,
22 or public purpose or function. Any activity undertaken by a
23 lessee which is permitted under the terms of its lease of real
24 property designated as a public airport as defined in s.
25 ~~332.004(18)(14)~~by municipalities, agencies, special
26 districts, authorities, or other public bodies corporate and
27 public bodies politic of the state, a spaceport as defined in
28 s. 331.303(19)or which is located in a deepwater port
29 identified in s. 403.021(9)(b) and owned by one of the
30 foregoing governmental units, subject to a leasehold or other
31 possessory interest of a nongovernmental lessee that is deemed

1 to perform an aviation,~~or~~ airport, aerospace ~~or~~ maritime, or
2 port purpose or operation shall be deemed an activity that
3 serves a governmental, municipal, or public purpose. The use
4 by a lessee, licensee, or management company of real property
5 or a portion thereof as a convention center, visitor center,
6 sports facility with permanent seating, concert hall, arena,
7 stadium, park, or beach is deemed a use that serves a
8 governmental, municipal, or public purpose or function when
9 access to the property is open to the general public with or
10 without a charge for admission. If property deeded to a
11 municipality by the United States is subject to a requirement
12 that the Federal Government, through a schedule established by
13 the Secretary of the Interior, determine that the property is
14 being maintained for public historic preservation, park, or
15 recreational purposes and if those conditions are not met the
16 property will revert back to the Federal Government, then such
17 property shall be deemed to serve a municipal or public
18 purpose. The term "governmental purpose" also includes a
19 direct use of property on federal lands in connection with the
20 Federal Government's Space Exploration Program or the
21 Spaceport Florida Authority. Real property and tangible
22 personal property owned by the Federal Government or the
23 Spaceport Florida Authority and used for defense and space
24 exploration purposes or which is put to a use in support
25 thereof shall be deemed to perform an essential national
26 governmental purpose and shall be exempt. "Owned by the
27 lessee" as used in this chapter does not include personal
28 property, buildings, or other real property improvements used
29 for the administration, operation, business offices and
30 activities related specifically thereto in connection with the
31 conduct of an aircraft full service fixed based operation

1 | which provides goods and services to the general aviation
2 | public in the promotion of air commerce provided that the real
3 | property is designated as an aviation area on an airport
4 | layout plan approved by the Federal Aviation Administration.
5 | For purposes of determination of "ownership," buildings and
6 | other real property improvements which will revert to the
7 | airport authority or other governmental unit upon expiration
8 | of the term of the lease shall be deemed "owned" by the
9 | governmental unit and not the lessee. Providing two-way
10 | telecommunications services to the public for hire by the use
11 | of a telecommunications facility, as defined in s. 364.02(13),
12 | and for which a certificate is required under chapter 364 does
13 | not constitute an exempt use for purposes of s. 196.199,
14 | unless the telecommunications services are provided by the
15 | operator of a public-use airport, as defined in s. 332.004,
16 | for the operator's provision of telecommunications services
17 | for the airport or its tenants, concessionaires, or licensees,
18 | or unless the telecommunications services are provided by a
19 | public hospital. However, property that is being used to
20 | provide such telecommunications services on or before October
21 | 1, 1997, shall remain exempt, but such exemption expires
22 | October 1, 2004.

23 | Section 18. Subsection (1) of section 334.27, Florida
24 | Statutes, is amended to read:

25 | 334.27 Governmental transportation entities; property
26 | acquired for transportation purposes; limitation on soil or
27 | groundwater contamination liability.--

28 | (1) For the purposes of this section, the term
29 | "governmental transportation entity" means the department; an
30 | authority created pursuant to chapter 343, chapter 348, or
31 |

1 chapter 349; airports as defined in s. 332.004~~(18)~~~~(14)~~; a port
2 enumerated in s. 311.09(1); a county; or a municipality.

3 Section 19. This act shall take effect July 1, 1999.

4

5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 SB 1254

8 This CS requires the Spaceport Florida Authority (SFA) to
9 develop a spaceport master plan containing recommending
10 appropriate sources of revenue that may be developed to
11 contribute to the State Transportation Trust Fund. The
12 authority is required to submit the master plan to the
13 Department of Transportation (DOT) which may be included in
14 the DOT's 5-year work program. The CS further provides that
15 DOT is not authorized to expend aviation fuel tax revenues on
16 space transportation projects.

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