

By the Committees on Commerce and Economic Opportunities;
Transportation; and Senators Sebesta, Bronson and Kurth

310-2103-99

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. 196.012, F.S.; including
5 reference to spaceports; amending s. 330.30,
6 F.S.; exempting certain spaceports from a
7 provision of law relating to the approval of
8 airport sites and the licensing of airports;
9 amending s. 331.303, F.S.; revising definitions
10 with respect to the Spaceport Florida Authority
11 Act; amending s. 331.304, F.S.; revising the
12 boundaries of spaceport territory; creating s.
13 331.3475, F.S.; providing for the Spaceport
14 Facility Loan Guarantee Program; amending s.
15 331.360, F.S.; providing for the development of
16 a spaceport master plan; creating s. 332.008,
17 F.S.; providing limitation on the application
18 of chapter 332, F.S.; amending s. 334.03, F.S.;
19 redefining the term "transportation facility";
20 amending s. 334.30, F.S.; authorizing a fixed
21 guideway transportation system operating within
22 the Department of Transportation's right-of-way
23 to operate at any safe speed; amending s.
24 339.155, F.S.; revising a provision of law
25 governing transportation planning to include
26 reference to spaceport master plans; amending
27 s. 339.175, F.S.; including reference to
28 spaceports and aerospace development with
29 respect to metropolitan planning organizations;
30 creating the Commission on the Future of
31 Aeronautics and Space in Florida; providing for

1 qualifications and appointment of members;
2 directing the commission to study and make
3 recommendations regarding specified areas
4 relating to aeronautics and aerospace in the
5 state; requiring reports; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Short title.--This act may be cited as the
11 "Florida Space Transportation Planning Act."

12 Section 2. Subsection (6) of section 196.012, Florida
13 Statutes, is amended to read:

14 196.012 Definitions.--For the purpose of this chapter,
15 the following terms are defined as follows, except where the
16 context clearly indicates otherwise:

17 (6) Governmental, municipal, or public purpose or
18 function shall be deemed to be served or performed when the
19 lessee under any leasehold interest created in property of the
20 United States, the state or any of its political subdivisions,
21 or any municipality, agency, special district, authority, or
22 other public body corporate of the state is demonstrated to
23 perform a function or serve a governmental purpose which could
24 properly be performed or served by an appropriate governmental
25 unit or which is demonstrated to perform a function or serve a
26 purpose which would otherwise be a valid subject for the
27 allocation of public funds. For purposes of the preceding
28 sentence, an activity undertaken by a lessee which is
29 permitted under the terms of its lease of real property
30 designated as an aviation area on an airport layout plan which
31 has been approved by the Federal Aviation Administration and

1 which real property is used for the administration, operation,
2 business offices and activities related specifically thereto
3 in connection with the conduct of an aircraft full service
4 fixed base operation which provides goods and services to the
5 general aviation public in the promotion of air commerce shall
6 be deemed an activity which serves a governmental, municipal,
7 or public purpose or function. Any activity undertaken by a
8 lessee which is permitted under the terms of its lease of real
9 property designated as a public airport as defined in s.
10 332.004(14) by municipalities, agencies, special districts,
11 authorities, or other public bodies corporate and public
12 bodies politic of the state, a spaceport as defined in s.
13 331.303(19), or which is located in a deepwater port
14 identified in s. 403.021(9)(b) and owned by one of the
15 foregoing governmental units, subject to a leasehold or other
16 possessory interest of a nongovernmental lessee that is deemed
17 to perform an aviation, ~~or~~ airport, aerospace, ~~or~~ maritime, ~~or~~
18 port purpose or operation shall be deemed an activity that
19 serves a governmental, municipal, or public purpose. The use
20 by a lessee, licensee, or management company of real property
21 or a portion thereof as a convention center, visitor center,
22 sports facility with permanent seating, concert hall, arena,
23 stadium, park, or beach is deemed a use that serves a
24 governmental, municipal, or public purpose or function when
25 access to the property is open to the general public with or
26 without a charge for admission. If property deeded to a
27 municipality by the United States is subject to a requirement
28 that the Federal Government, through a schedule established by
29 the Secretary of the Interior, determine that the property is
30 being maintained for public historic preservation, park, or
31 recreational purposes and if those conditions are not met the

1 property will revert back to the Federal Government, then such
2 property shall be deemed to serve a municipal or public
3 purpose. The term "governmental purpose" also includes a
4 direct use of property on federal lands in connection with the
5 Federal Government's Space Exploration Program or the
6 Spaceport Florida Authority. Real property and tangible
7 personal property owned by the Federal Government or the
8 Spaceport Florida Authority and used for defense and space
9 exploration purposes or which is put to a use in support
10 thereof shall be deemed to perform an essential national
11 governmental purpose and shall be exempt. "Owned by the
12 lessee" as used in this chapter does not include personal
13 property, buildings, or other real property improvements used
14 for the administration, operation, business offices and
15 activities related specifically thereto in connection with the
16 conduct of an aircraft full service fixed based operation
17 which provides goods and services to the general aviation
18 public in the promotion of air commerce provided that the real
19 property is designated as an aviation area on an airport
20 layout plan approved by the Federal Aviation Administration.
21 For purposes of determination of "ownership," buildings and
22 other real property improvements which will revert to the
23 airport authority or other governmental unit upon expiration
24 of the term of the lease shall be deemed "owned" by the
25 governmental unit and not the lessee. Providing two-way
26 telecommunications services to the public for hire by the use
27 of a telecommunications facility, as defined in s. 364.02(13),
28 and for which a certificate is required under chapter 364 does
29 not constitute an exempt use for purposes of s. 196.199,
30 unless the telecommunications services are provided by the
31 operator of a public-use airport, as defined in s. 332.004,

1 for the operator's provision of telecommunications services
2 for the airport or its tenants, concessionaires, or licensees,
3 or unless the telecommunications services are provided by a
4 public hospital. However, property that is being used to
5 provide such telecommunications services on or before October
6 1, 1997, shall remain exempt, but such exemption expires
7 October 1, 2004.

8 Section 3. Paragraph (d) of subsection (3) of section
9 330.30, Florida Statutes, 1998 Supplement, is amended to read:

10 330.30 Approval of airport sites and licensing of
11 airports; fees.--

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

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

20 Section 4. Subsection (25) is added to section
21 331.303, Florida Statutes, to read:

22 331.303 Definitions.--

23 (25) "Spaceport discretionary capacity improvement
24 projects" means capacity improvements that enhance space
25 transportation capacity at spaceports that have had one or
26 more orbital or suborbital flights during the previous
27 calendar year or have an agreement in writing for installation
28 of one or more regularly scheduled orbital or suborbital
29 flights upon the commitment of funds for stipulated spaceport
30 capital improvements.

31

1 Section 5. Section 331.304, Florida Statutes, is
2 amended to read:

3 331.304 Spaceport territory.--The following property
4 shall constitute spaceport territory:

5 (1) Certain real property located in Brevard County
6 that is included within the 1998 boundaries of Patrick Air
7 Force Base, Cape Canaveral Air Station, John F. Kennedy Space
8 Center.~~with the following boundaries:~~

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

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

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

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

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

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

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

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

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

24 (3) Certain real property located in Santa Rosa,
25 Okaloosa, and Walton Counties which is included within the
26 1997 boundaries of Eglin Air Force Base.

27 Section 6. Section 331.3475, Florida Statutes, is
28 created to read:

29 331.3475 Spaceport Facility Loan Guarantee Program.--

30 (1) The Spaceport Florida Authority may determine the
31 situations and circumstances for its participation in

1 agreements with the Federal Government, financial
2 institutions, and others associated with the development of
3 aerospace facilities pursuant to this section for a limited
4 state guaranty of up to 30 years of loan guarantees or loan
5 loss reserves issued pursuant to law. The limited state loan
6 guaranty applies only to the primary lender's loans for
7 development of projects as defined in s. 331.303(16) in
8 spaceport territories where a federal agency, federal
9 contractor, or affiliated entity or contractor is the
10 leaseholder. A state guaranty of private loans or a loan loss
11 reserve may be authorized for lenders licensed to operate in
12 the state upon a determination by the authority that such an
13 arrangement would be in the public interest and the likelihood
14 of the success of the loan is great.

15 (2) Approval of a proposed loan guarantee shall be by
16 an Aerospace Facility Financing Review Council, which shall
17 consist of the Secretary of Transportation or the secretary's
18 designee, the Executive Director of the State Board of
19 Administration or the executive director's designee, and the
20 director of the Governor's Office of Tourism, Trade, and
21 Economic Development or the director's designee. The
22 chairperson of the council shall be the director of the
23 Governor's Office of Tourism, Trade, and Economic Development.
24 Staff services for activities of the council shall be provided
25 as needed by the member agencies.

26 (3) The Spaceport Florida Authority may enter into an
27 investment agreement with the Department of Revenue or the
28 State Board of Administration concerning the investment of the
29 earnings accrued and collected upon the investment of the
30 balance of funds maintained in the Working Capital Fund. The
31 investment must be limited as follows:

1 (a) Not more than \$100 million of the investment
2 earnings earned on the investment of the minimum balance of
3 the Working Capital Fund in a fiscal year may be at risk at
4 any time on loan guarantees or as loan loss reserves.

5 (b) The investment earnings may not be used to
6 guarantee any loan guaranty or loan loss reserve agreement for
7 a period longer than 30 years.

8 (4) A lender seeking approval of a limited state
9 guaranty for a loan from the Aerospace Facility Financing
10 Review Council must first provide to the Spaceport Florida
11 Authority and the council a report demonstrating that the
12 lender has reviewed the project and determined its feasibility
13 in accordance with its standard procedures. The procedures
14 include, but are not limited to:

15 (a) Obtaining a satisfactory credit report from a
16 source deemed reliable by the lender;

17 (b) Investigating the background and experience of the
18 manager of the project and determining that the managing
19 entity appears to possess the experience, competence, and
20 capacity to manage the project;

21 (c) Determining that conditions exist to establish a
22 financially sound development project that exposes the state
23 loan guarantee program to a reasonable or negligible level of
24 risk;

25 (d) Determining that the federal agency with
26 jurisdiction over the area where the development project is
27 located has committed in-kind resources, financial incentives,
28 or financial resources to the total project cost; and

29 (e) Evaluating the prospects for continued funding of
30 the program or programs that will be the primary users of the
31 project.

1 (5) A lender covered by a limited state guaranty for a
2 loan is not entitled to file a claim for loss pursuant to the
3 guaranty unless all reasonable and normal remedies available
4 to and customary for lending institutions for resolving
5 problems of loan repayments are exhausted. If the lender has
6 received collateral security in connection with the loan, the
7 lender must first exhaust all available remedies against the
8 collateral security.

9 (6) The council may establish requirements for the
10 issuance of loan guarantees, including contractual provisions
11 to foster reimbursement, in the event of default, to the
12 guarantee fund.

13 (7) The council may receive public and private funds,
14 federal grants, and private donations in carrying out its
15 responsibilities.

16 (8) The authority shall include in the annual report
17 required under s. 331.310(13) a description of its activities
18 and agreements approved relating to development of spaceport
19 territory under this section. This section shall be reviewed
20 by the Legislature by October 1, 2004, and a determination
21 made related to the need to continue or modify this section.
22 New loan guarantees may not be approved in 2004 until the
23 review by the Legislature has been completed and a
24 determination has been made as to the feasibility of
25 continuing the use of the Working Capital Fund to guarantee
26 portions of loans under this section.

27 Section 7. Section 331.360, Florida Statutes, is
28 amended to read:

29 331.360 Joint project agreement or assistance.--

30 (1) It shall be the duty, function, and responsibility
31 of the Department of Transportation to promote the further

1 development and improvement of aerospace transportation
2 facilities, to address intermodal requirements and impacts of
3 the launch ranges, spaceports, and other space transportation
4 facilities, to assist in the development of joint-use
5 facilities and technology that support aviation and aerospace
6 operations, and to facilitate and promote cooperative efforts
7 between federal and state government entities to improve space
8 transportation capacity and efficiency. In carrying out this
9 duty and responsibility, the department may assist and advise,
10 cooperate with, and coordinate with federal, state, local, or
11 private organizations and individuals. The department may
12 administratively house its space transportation
13 responsibilities within an existing division or office.

14 (2) Notwithstanding any other provision of law, the
15 Department of Transportation may enter into a joint project
16 agreement with, or otherwise assist, the Spaceport Florida
17 Authority as necessary to effectuate the provisions of this
18 chapter and may allocate funds for such purposes in its 5-year
19 work program. However, the department may not fund the
20 administrative or operational costs of the authority.

21 (3) The authority shall develop a spaceport master
22 plan for expansion and modernization of space transportation
23 facilities within spaceport territories as defined in s.
24 331.303(22). The plan shall contain recommended projects to
25 meet current and future commercial, national, and state space
26 transportation requirements. The authority shall submit the
27 plan to any appropriate M.P.O. for review of intermodal
28 impacts. The authority shall submit the spaceport master plan
29 to the Department of Transportation and such plan may be
30 included within the department's 5-year work program of
31 qualifying aerospace discretionary capacity improvement under

1 s. 331.360(4). The plan shall identify appropriate funding
2 levels and include recommendations on appropriate sources of
3 revenue that may be developed to contribute to the State
4 Transportation Trust Fund.

5 (4) Subject to the availability of appropriated funds,
6 the department may participate in the capital cost of eligible
7 spaceport discretionary capacity improvement projects. The
8 annual legislative budget request shall be based on the
9 proposed funding requested for approved spaceport
10 discretionary capacity improvement projects.

11 Section 8. Section 332.008, Florida Statutes, is
12 created to read:

13 332.008 Limitation on operation of chapter.--Nothing
14 in this chapter shall be construed to authorize expenditure of
15 aviation fuel tax revenues on space transportation projects.
16 Nothing in this chapter shall be construed to limit the
17 department's authority under s. 331.360.

18 Section 9. Subsection (31) of section 334.03, Florida
19 Statutes, is amended to read:

20 334.03 Definitions.--When used in the Florida
21 Transportation Code, the term:

22 (31) "Transportation facility" means any means for the
23 transportation of people or ~~and~~ property from place to place
24 which is constructed, operated, or maintained in whole or in
25 part from public funds. The term includes the property or
26 property rights, both real and personal, which have been or
27 may be established by public bodies for the transportation of
28 people or ~~and~~ property from place to place.

29 Section 10. Subsection (6) is added to section 334.30,
30 Florida Statutes, to read:

31

1 334.30 Private transportation facilities.--The
2 Legislature hereby finds and declares that there is a public
3 need for rapid construction of safe and efficient
4 transportation facilities for the purpose of travel within the
5 state, and that it is in the public's interest to provide for
6 the construction of additional safe, convenient, and
7 economical transportation facilities.

8 (6) Notwithstanding s. 341.327, a fixed-guideway
9 transportation system authorized by the department to be
10 wholly or partially within the department's right-of-way
11 pursuant to a lease granted under s. 337.251 may operate at
12 any safe speed.

13 Section 11. Paragraph (d) of subsection (2) of section
14 339.155, Florida Statutes, is amended, present paragraphs (w)
15 and (x) of that subsection are redesignated as paragraphs (x)
16 and (y), respectively, and a new paragraph (w) is added to
17 that subsection, to read:

18 339.155 Transportation planning.--The department shall
19 develop and annually update a statewide transportation plan,
20 to be known as the Florida Transportation Plan. The plan
21 shall be designed so as to be easily read and understood by
22 the general public.

23 (2) DEVELOPMENT CRITERIA.--The Florida Transportation
24 Plan shall consider the needs of the entire state
25 transportation system, examine the use of all modes of
26 transportation to effectively and efficiently meet such needs,
27 and provide for the interconnection of all types of modes in a
28 comprehensive intermodal transportation system. In developing
29 the Florida Transportation Plan, the department shall consider
30 the following:

31

1 (d) International border crossings and access to
2 ports, airports, spaceports, intermodal transportation
3 facilities, major freight distribution routes, national parks,
4 recreation and scenic areas, monuments and historic sites, and
5 military installations.

6 (w) The spaceport master plan approved by the
7 Spaceport Florida Authority.

8 Section 12. Paragraph (a) of subsection (2), paragraph
9 (b) of subsection (5), paragraph (a) of subsection (6),
10 paragraphs (a) and (c) of subsection (7), and paragraph (a) of
11 subsection (9) of section 339.175, Florida Statutes, 1998
12 Supplement, are amended to read:

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

31 (2) VOTING MEMBERSHIP.--

1 (a) The voting membership of an M.P.O. shall consist
2 of not fewer than 5 or more than 19 apportioned members, the
3 exact number to be determined on an equitable
4 geographic-population ratio basis by the Governor, based on an
5 agreement among the affected units of general-purpose local
6 government as required by federal rules and regulations. The
7 Governor, in accordance with 23 U.S.C. s. 134, as amended by
8 the Intermodal Surface Transportation Efficiency Act of 1991,
9 may also provide for M.P.O. members who represent
10 municipalities to alternate with representatives from other
11 municipalities within the designated urban area that do not
12 have members on the M.P.O. County commission members shall
13 compose not less than one-third of the M.P.O. membership,
14 except for an M.P.O. with more than 15 members located in a
15 county with a five-member county commission or an M.P.O. with
16 19 members located in a county with no more than 6 county
17 commissioners, in which case county commission members may
18 compose less than one-third percent of the M.P.O. membership,
19 but all county commissioners must be members. All voting
20 members shall be elected officials of general-purpose
21 governments, except that an M.P.O. may include, as part of its
22 apportioned voting members, a member of a statutorily
23 authorized planning board,~~or~~ an official of an agency that
24 operates or administers a major mode of transportation, or an
25 official of the Spaceport Florida Authority. In metropolitan
26 areas in which authorities or other agencies have been, or may
27 be, created by law to perform transportation functions that
28 are not under the jurisdiction of a general-purpose local
29 government represented on the M.P.O., they shall be provided
30 voting membership on the M.P.O. The county commission shall
31 compose not less than 20 percent of the M.P.O. membership if

1 an official of an agency that operates or administers a major
2 mode of transportation has been appointed to an M.P.O.

3 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
4 privileges, and authority of an M.P.O. are those specified in
5 this section or incorporated in an interlocal agreement
6 authorized under s. 163.01. Each M.P.O. shall perform all
7 acts required by federal or state laws or rules, now and
8 subsequently applicable, which are necessary to qualify for
9 federal aid. It is the intent of this section that each M.P.O.
10 shall be involved in the planning and programming of
11 transportation facilities, including, but not limited to,
12 airports, intercity and high-speed rail lines, seaports, and
13 intermodal facilities, to the extent permitted by state or
14 federal law.

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

18 1. The preservation of existing transportation
19 facilities and, where practical, ways to meet transportation
20 needs by using existing facilities more efficiently;

21 2. The consistency of transportation planning with
22 applicable federal, state, and local energy conservation
23 programs, goals, and objectives;

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

26 4. The likely effect of transportation policy
27 decisions on land use and development and the consistency of
28 transportation plans and programs with all applicable
29 short-term and long-term land use and development plans;

30 5. The programming of transportation enhancement
31 activities as required by federal law;

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

4 7. The provision of access to seaports, airports,
5 spaceports, intermodal transportation facilities, major
6 freight distribution routes, national and state parks,
7 recreation areas, monuments and historic sites, and military
8 installations;

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

11 9. The transportation needs identified through the use
12 of transportation management systems required by federal or
13 state law;

14 10. The preservation of rights-of-way for construction
15 of future transportation projects, including the
16 identification of unused rights-of-way that may be needed for
17 future transportation corridors and the identification of
18 corridors for which action is most needed to prevent
19 destruction or loss;

20 11. Any available methods to enhance the efficient
21 movement of freight;

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

24 13. The overall social, economic, energy, and
25 environmental effects of transportation decisions;

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

28 15. The possible allocation of capital investments to
29 increase security for transit systems.

30 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
31 long-range transportation plan that addresses at least a

1 20-year planning horizon. The plan must include both
2 long-range and short-range strategies and must comply with all
3 other state and federal requirements. The long-range plan must
4 be consistent, to the maximum extent feasible, with future
5 land use elements and the goals, objectives, and policies of
6 the approved local government comprehensive plans of the units
7 of local government located within the jurisdiction of the
8 M.P.O. The approved long-range plan must be considered by
9 local governments in the development of the transportation
10 elements in local government comprehensive plans and any
11 amendments thereto. The long-range plan must, at a minimum:

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

21
22 In the development of its long-range plan, each M.P.O. must
23 provide affected public agencies, representatives of
24 transportation agency employees, private providers of
25 transportation, other interested parties, and members of the
26 general public with a reasonable opportunity to comment on the
27 long-range plan. The long-range plan must be approved by the
28 M.P.O.

29 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
30 shall, in cooperation with the state and affected public
31 transportation operators, develop a transportation improvement

1 program for the area within the jurisdiction of the M.P.O. In
2 the development of the transportation improvement program,
3 each M.P.O. must provide affected public transit agencies,
4 representatives of transportation agency employees, private
5 providers of transportation, other interested parties, and
6 members of the general public with a reasonable opportunity to
7 comment on the transportation improvement program.

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

22 (c) The transportation improvement program must, at a
23 minimum:

24 1. Include projects and project phases to be funded
25 with state or federal funds within the time period of the
26 transportation improvement program and which are recommended
27 for advancement during the next fiscal year and 4 subsequent
28 fiscal years. Such projects and project phases must be
29 consistent, to the maximum extent feasible, with the approved
30 local government comprehensive plans of the units of local
31 government located within the jurisdiction of the M.P.O. For

1 informational purposes, the transportation improvement program
2 shall also include a list of projects to be funded from local
3 or private revenues.

4 2. Include projects within the metropolitan area which
5 are proposed for funding under 23 U.S.C. s. 134 of the Federal
6 Transit Act and which are consistent with the long-range plan
7 developed under subsection (6).

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

21 4. Group projects and project phases of similar
22 urgency and anticipated staging into appropriate staging
23 periods.

24 5. Indicate how the transportation improvement program
25 relates to the long-range plan developed under subsection (6),
26 including providing examples of specific projects or project
27 phases that further the goals and policies of the long-range
28 plan.

29 6. Indicate whether any project or project phase is
30 inconsistent with an approved comprehensive plan of a unit of
31 local government located within the jurisdiction of the M.P.O.

1 If a project is inconsistent with an affected comprehensive
2 plan, the M.P.O. must provide justification for including the
3 project in the transportation improvement program.

4 7. Indicate how the improvements are consistent, to
5 the maximum extent feasible, with affected seaport,and
6 airport, and spaceport master plans and with public transit
7 development plans of the units of local government located
8 within the jurisdiction of the M.P.O.

9 (9) AGREEMENTS.--

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

13 1. An agreement with the department clearly
14 establishing the cooperative relationship essential to
15 accomplish the transportation planning requirements of state
16 and federal law.

17 2. An agreement with the metropolitan and regional
18 intergovernmental coordination and review agencies serving the
19 metropolitan areas, specifying the means by which activities
20 will be coordinated and how transportation planning and
21 programming will be part of the comprehensive planned
22 development of the area.

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

31

1 Section 13. Commission on the Future of Aeronautics
2 and Space in Florida.--

3 (1) The Legislature finds that the aviation and
4 aerospace industries comprise an important segment of
5 Florida's present and future economy. Yet, there exists
6 intense nationwide competition for future development of these
7 industries. The state has the resources to help these
8 industries meet the challenges and opportunities of
9 competition and to establish itself as a prime location for
10 aviation and aerospace industries, thus creating a prime
11 environment for economic development and employment
12 opportunities. However, effective action and the necessary
13 coordination of resources must be based on a reliable
14 assessment of the present climate for such industries in the
15 state. Further, the various options available for legislative
16 action should be carefully considered.

17 (2) There is created the Commission on the Future of
18 Aeronautics and Space in Florida. The commission shall be
19 composed of the following 11 members:

20 (a) The chairs of the Transportation Committees of the
21 Senate and the House of Representatives.

22 (b) A representative of the Aviation Office of the
23 Department of Transportation, appointed by the Secretary of
24 Transportation.

25 (c) A representative of the Spaceport Florida
26 Authority, appointed by the board of supervisors of the
27 authority.

28 (d) Two members appointed by the Governor who are not
29 members of the Legislature.

30 (e) Two members appointed by the President of the
31 Senate.

1 (f) Two members appointed by the Speaker of the House
2 of Representatives.

3 (g) An active manager of an airport in Florida
4 appointed by the Florida Airport Manager's Association.

5 (3) The members appointed pursuant to paragraphs
6 (2)(d), (e), and (f), shall be selected so as to equitably
7 provide knowledge concerning and experience in the following
8 areas: commercial aviation; aviation manufacturing; aviation
9 operations and maintenance; aerospace manufacturing; aerospace
10 operations and maintenance; and aeronautics-related education.

11 (4) The members of the commission shall be appointed
12 within 30 days after the effective date of this act. The
13 commission shall serve until adjournment sine die of the 2001
14 Regular Session of the Legislature. Vacancies on the
15 commission shall be filled in the same manner as the original
16 appointment.

17 (5) Upon appointment of its members, the commission
18 shall meet to organize and select a chair and vice chair.
19 Meetings shall be held upon the call of the chair, but not
20 less frequently than quarterly.

21 (6) The members of the commission shall serve without
22 compensation but shall be entitled to be reimbursed for per
23 diem and travel expenses as provided in section 112.061,
24 Florida Statutes. The Department of Transportation shall
25 provide administrative staff support and travel and per diem
26 expenses for the commission.

27 (7) The commission shall:

28 (a) Survey current state and local laws, ordinances,
29 and rules that affect the development and regulation of the
30 aviation and aerospace industries in Florida and recommend
31 ways in which these regulations can be streamlined and revised

1 to operate more efficiently. The commission should also
2 consider whether regulation and oversight in the fields of
3 aviation and aerospace should be centralized under one
4 governmental agency.

5 (b) Examine the ways in which aviation and aerospace
6 industries, including the component elements of manufacturing,
7 assembly, marketing, servicing, maintenance, logistical
8 support, human resources, and related research and
9 development, can be attracted to locate permanently in the
10 state, and recommend actions that can be taken by state and
11 local governments to accomplish this goal.

12 (c) Review existing studies to evaluate the
13 availability of commercial air services in Florida, identify
14 underserved locations, and recommend actions that can be taken
15 to improve the availability, efficiency, and economy of the
16 state's commercial air services.

17 (d) Identify the advances that can be expected in the
18 future in aeronautics and aerospace operations, air transport,
19 aeronautical education, and other aeronautical areas, and make
20 recommendations regarding how the state can anticipate,
21 encourage, and accommodate such advances.

22 (e) Identify aid that is available at the federal
23 level to assist in efforts to improve Florida's aeronautical
24 and aerospace competitive position, and recommend ways in
25 which the state can be most effective in obtaining that aid.

26 (f) Determine whether Florida's secondary and
27 postsecondary schools are producing a highly qualified
28 workforce in sufficient numbers to meet the needs of the
29 aviation and aerospace industries.

30 (8) The commission shall prepare a preliminary report
31 of its findings and recommendations by December 1, 2000, and a

1 final report by January 15, 2001. Copies of the reports shall
2 be submitted to the Governor, the President and the Minority
3 Leader of the Senate, and the Speaker and the Minority Leader
4 of the House of Representatives. After submission of the final
5 report, members of the commission may, with the approval of
6 the chair, receive reimbursement pursuant to subsection (6)
7 for travel necessary to consult with the Legislature
8 concerning issues raised by, and implementation of, the final
9 report, until termination of the commission.

10 Section 14. This act shall take effect July 1, 1999.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 1254

4 The committee substitute for committee substitute for SB 1254
5 differs substantially and principally from committee
6 substitute for SB 1254 in that it:

6 Defines "Spaceport discretionary capacity improvement
7 projects" as capacity improvements that enhance space
8 transportation capacity at spaceports that have had at
9 least one suborbital flight during the previous year.

10 Creates the Spaceport Facility Loan Guarantee Program to
11 guarantee private loans for space-related projects.
12 Approval of a loan guarantee shall be by an Aerospace
13 Facility Financing Review Council, consisting of the
14 Secretary of Transportation, the Executive Director of
15 the State Board of Administration, and the director of
16 the Governor's Office of Tourism, Trade, and Economic
17 Development or each of their designees. SFA is allowed
18 to enter into an investment agreement with the
19 Department of Revenue or the State Board of
20 Administration concerning the investment of the earnings
21 accrued and collected upon the investment of the balance
22 of funds maintained in the Working Capital Fund.

23 Specifies that nothing in ch. 332, F.S., shall be
24 construed to authorize expenditure of aviation fuel tax
25 revenues on space transportation projects nor to limit
26 the transportation department's authority.

27 Allows for a fixed-guideway transportation system
28 operation on the Department of Transportation's
29 right-of-way to operate at any safe speed.

30 Creates a "Commission on the Future of Aeronautics and
31 Space in Florida," composed of 11 members who will serve
until adjournment sine die of the 2001 Regular Session
of the Legislature.