

Bill No. CS for SB 2540

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 4, line 7,

insert:

Section 1. Paragraph (d) of subsection (3) of section 330.30, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

Section 2. Subsection (25) is added to section 331.303, Florida Statutes, to read:

331.303 Definitions.--

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

9 Section 3. Section 331.304, Florida Statutes, is
10 amended to read:

11 331.304 Spaceport territory.--The following property
12 shall constitute spaceport territory:

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

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

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

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

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

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

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

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

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

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

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

4 Section 4. Section 331.360, Florida Statutes, is
5 amended to read:

6 331.360 Joint project agreement or assistance.--

7 (1) 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 space transportation
12 facilities, to assist in the development of joint-use
13 facilities and technology that support aviation and aerospace
14 operations, and to facilitate and 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 with, and coordinate with federal, state, local, or
19 private organizations and individuals. The department may
20 administratively house its space transportation
21 responsibilities within an existing division or office.

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

29 (3) The authority shall develop a spaceport master
30 plan for expansion and modernization of space transportation
31 facilities within spaceport territories as defined in s.

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1 331.303(22). The plan shall contain recommended projects to
2 meet current and future commercial, national, and state space
3 transportation requirements. The authority shall submit the
4 plan to any appropriate M.P.O. for review of intermodal
5 impacts. The authority shall submit the spaceport master plan
6 to the Department of Transportation and such plan may be
7 included within the department's 5-year work program of
8 qualifying aerospace discretionary capacity improvement under
9 s. 331.360(4). The plan shall identify appropriate funding
10 levels and include recommendations on appropriate sources of
11 revenue that may be developed to contribute to the State
12 Transportation Trust Fund.

13 (4) Subject to the availability of appropriated funds,
14 the department may participate in the capital cost of eligible
15 spaceport discretionary capacity improvement projects. The
16 annual legislative budget request shall be based on the
17 proposed funding requested for approved spaceport
18 discretionary capacity improvement projects.

19 Section 5. Section 332.008, Florida Statutes, is
20 created to read:

21 332.008 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 6. 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

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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 7. Subsection (6) is added to section 334.30,
7 Florida Statutes, to read:

8 334.30 Private transportation facilities.--The
9 Legislature hereby finds and declares that there is a public
10 need for rapid construction of safe and efficient
11 transportation facilities for the purpose of travel within the
12 state, and that it is in the public's interest to provide for
13 the construction of additional safe, convenient, and
14 economical transportation facilities.

15 (6) Notwithstanding s. 341.327, a fixed-guideway
16 transportation system authorized by the department to be
17 wholly or partially within the department's right-of-way
18 pursuant to a lease granted under s. 337.251 may operate at
19 any safe speed.

20 Section 8. Paragraph (d) of subsection (2) of section
21 339.155, Florida Statutes, is amended, present paragraphs (w)
22 and (x) of that subsection are redesignated as paragraphs (x)
23 and (y), respectively, and a new paragraph (w) is added to
24 that subsection, to read:

25 339.155 Transportation planning.--The department shall
26 develop and annually update a statewide transportation plan,
27 to be known as the Florida Transportation Plan. The plan
28 shall be designed so as to be easily read and understood by
29 the general public.

30 (2) DEVELOPMENT CRITERIA.--The Florida Transportation
31 Plan shall consider the needs of the entire state

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1 transportation system, examine the use of all modes of
2 transportation to effectively and efficiently meet such needs,
3 and provide for the interconnection of all types of modes in a
4 comprehensive intermodal transportation system. In developing
5 the Florida Transportation Plan, the department shall consider
6 the following:

7 (d) International border crossings and access to
8 ports, airports, spaceports, intermodal transportation
9 facilities, major freight distribution routes, national parks,
10 recreation and scenic areas, monuments and historic sites, and
11 military installations.

12 (w) The spaceport master plan approved by the
13 Spaceport Florida Authority.

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

19 339.175 Metropolitan planning organization.--It is the
20 intent of the Legislature to encourage and promote the
21 development of transportation systems embracing various modes
22 of transportation in a manner that will maximize the mobility
23 of people and goods within and through urbanized areas of this
24 state and minimize, to the maximum extent feasible, and
25 together with applicable regulatory government agencies,
26 transportation-related fuel consumption and air pollution. To
27 accomplish these objectives, metropolitan planning
28 organizations, referred to in this section as M.P.O.'s, shall
29 develop, in cooperation with the state, transportation plans
30 and programs for metropolitan areas. Such plans and programs
31 must provide for the development of transportation facilities

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1 that will function as an intermodal transportation system for
2 the metropolitan area. The process for developing such plans
3 and programs shall be continuing, cooperative, and
4 comprehensive, to the degree appropriate, based on the
5 complexity of the transportation problems.

6 (2) VOTING MEMBERSHIP.--

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

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1 areas in which authorities or other agencies have been, or may
 2 be, created by law to perform transportation functions that
 3 are not under the jurisdiction of a general-purpose local
 4 government represented on the M.P.O., they shall be provided
 5 voting membership on the M.P.O. The county commission shall
 6 compose not less than 20 percent of the M.P.O. membership if
 7 an official of an agency that operates or administers a major
 8 mode of transportation has been appointed to an M.P.O.

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

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

- 24 1. The preservation of existing transportation
 25 facilities and, where practical, ways to meet transportation
 26 needs by using existing facilities more efficiently;
- 27 2. The consistency of transportation planning with
 28 applicable federal, state, and local energy conservation
 29 programs, goals, and objectives;
- 30 3. The need to relieve congestion and prevent
 31 congestion from occurring where it does not yet occur;

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- 1 4. The likely effect of transportation policy
2 decisions on land use and development and the consistency of
3 transportation plans and programs with all applicable
4 short-term and long-term land use and development plans;
- 5 5. The programming of transportation enhancement
6 activities as required by federal law;
- 7 6. The effect of all transportation projects to be
8 undertaken in the metropolitan area, without regard to whether
9 such projects are publicly funded;
- 10 7. The provision of access to seaports, airports,
11 spaceports, intermodal transportation facilities, major
12 freight distribution routes, national and state parks,
13 recreation areas, monuments and historic sites, and military
14 installations;
- 15 8. The need for roads within the metropolitan area to
16 efficiently connect with roads outside the metropolitan area;
- 17 9. The transportation needs identified through the use
18 of transportation management systems required by federal or
19 state law;
- 20 10. The preservation of rights-of-way for construction
21 of future transportation projects, including the
22 identification of unused rights-of-way that may be needed for
23 future transportation corridors and the identification of
24 corridors for which action is most needed to prevent
25 destruction or loss;
- 26 11. Any available methods to enhance the efficient
27 movement of freight;
- 28 12. The use of life-cycle costs in the design and
29 engineering of bridges, tunnels, or pavement;
- 30 13. The overall social, economic, energy, and
31 environmental effects of transportation decisions;

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

3 15. The possible allocation of capital investments to
4 increase security for transit systems.

5 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
6 long-range transportation plan that addresses at least a
7 20-year planning horizon. The plan must include both
8 long-range and short-range strategies and must comply with all
9 other state and federal requirements. The long-range plan must
10 be consistent, to the maximum extent feasible, with future
11 land use elements and the goals, objectives, and policies of
12 the approved local government comprehensive plans of the units
13 of local government located within the jurisdiction of the
14 M.P.O. The approved long-range plan must be considered by
15 local governments in the development of the transportation
16 elements in local government comprehensive plans and any
17 amendments thereto. The long-range plan must, at a minimum:

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

27
28 In the development of its long-range plan, each M.P.O. must
29 provide affected public agencies, representatives of
30 transportation agency employees, private providers of
31 transportation, other interested parties, and members of the

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1 general public with a reasonable opportunity to comment on the
2 long-range plan. The long-range plan must be approved by the
3 M.P.O.

4 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
5 shall, in cooperation with the state and affected public
6 transportation operators, develop a transportation improvement
7 program for the area within the jurisdiction of the M.P.O. In
8 the development of the transportation improvement program,
9 each M.P.O. must provide affected public transit agencies,
10 representatives of transportation agency employees, private
11 providers of transportation, other interested parties, and
12 members of the general public with a reasonable opportunity to
13 comment on the transportation improvement program.

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

28 (c) The transportation improvement program must, at a
29 minimum:

30 1. Include projects and project phases to be funded
31 with state or federal funds within the time period of the

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1 transportation improvement program and which are recommended
2 for advancement during the next fiscal year and 4 subsequent
3 fiscal years. Such projects and project phases must be
4 consistent, to the maximum extent feasible, with the approved
5 local government comprehensive plans of the units of local
6 government located within the jurisdiction of the M.P.O. For
7 informational purposes, the transportation improvement program
8 shall also include a list of projects to be funded from local
9 or private revenues.

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

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

27 4. Group projects and project phases of similar
28 urgency and anticipated staging into appropriate staging
29 periods.

30 5. Indicate how the transportation improvement program
31 relates to the long-range plan developed under subsection (6),

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1 including providing examples of specific projects or project
2 phases that further the goals and policies of the long-range
3 plan.

4 6. Indicate whether any project or project phase is
5 inconsistent with an approved comprehensive plan of a unit of
6 local government located within the jurisdiction of the M.P.O.
7 If a project is inconsistent with an affected comprehensive
8 plan, the M.P.O. must provide justification for including the
9 project in the transportation improvement program.

10 7. Indicate how the improvements are consistent, to
11 the maximum extent feasible, with affected seaport, and
12 airport, and spaceport master plans and with public transit
13 development plans of the units of local government located
14 within the jurisdiction of the M.P.O.

15 (9) AGREEMENTS.--

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

19 1. An agreement with the department clearly
20 establishing the cooperative relationship essential to
21 accomplish the transportation planning requirements of state
22 and federal law.

23 2. An agreement with the metropolitan and regional
24 intergovernmental coordination and review agencies serving the
25 metropolitan areas, specifying the means by which activities
26 will be coordinated and how transportation planning and
27 programming will be part of the comprehensive planned
28 development of the area.

29 3. An agreement with operators of public
30 transportation systems, including transit systems, commuter
31 rail systems, airports, and seaports, and spaceports,

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1 describing the means by which activities will be coordinated
2 and specifying how public transit, commuter rail, aviation,
3 ~~and~~ seaport, and aerospace planning and programming will be
4 part of the comprehensive planned development of the
5 metropolitan area.

6 Section 10. Commission on the Future of Aeronautics
7 and Space in Florida.--

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

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

25 (a) The chairs of the Transportation Committees of the
26 Senate and the House of Representatives.

27 (b) A representative of the Aviation Office of the
28 Department of Transportation, appointed by the Secretary of
29 Transportation.

30 (c) A representative of the Spaceport Florida
31 Authority, appointed by the board of supervisors of the

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1 authority.

2 (d) Two members appointed by the Governor who are not
3 members of the Legislature.

4 (e) Two members appointed by the President of the
5 Senate.

6 (f) Two members appointed by the Speaker of the House
7 of Representatives.

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

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

16 (4) The members of the commission shall be appointed
17 within 30 days after the effective date of this act. The
18 commission shall serve until adjournment sine die of the 2001
19 Regular Session of the Legislature. Vacancies on the
20 commission shall be filled in the same manner as the original
21 appointment.

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

26 (6) The members of the commission shall serve without
27 compensation but shall be entitled to be reimbursed for per
28 diem and travel expenses as provided in section 112.061,
29 Florida Statutes. The Department of Transportation shall
30 provide administrative staff support and travel and per diem
31 expenses for the commission.

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1 (7) The commission shall:

2 (a) Survey current state and local laws, ordinances,
3 and rules that affect the development and regulation of the
4 aviation and aerospace industries in Florida and recommend
5 ways in which these regulations can be streamlined and revised
6 to operate more efficiently. The commission should also
7 consider whether regulation and oversight in the fields of
8 aviation and aerospace should be centralized under one
9 governmental agency.

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

17 (c) Review existing studies to evaluate the
18 availability of commercial air services in Florida, identify
19 underserved locations, and recommend actions that can be taken
20 to improve the availability, efficiency, and economy of the
21 state's commercial air services.

22 (d) Identify the advances that can be expected in the
23 future in aeronautics and aerospace operations, air transport,
24 aeronautical education, and other aeronautical areas, and make
25 recommendations regarding how the state can anticipate,
26 encourage, and accommodate such advances.

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

31 (f) Determine whether Florida's secondary and

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1 postsecondary schools are producing a highly qualified
2 workforce in sufficient numbers to meet the needs of the
3 aviation and aerospace industries.
4 (8) The commission shall prepare a preliminary report
5 of its findings and recommendations by December 1, 2000, and a
6 final report by January 15, 2001. Copies of the reports shall
7 be submitted to the Governor, the President and the Minority
8 Leader of the Senate, and the Speaker and the Minority Leader
9 of the House of Representatives. After submission of the final
10 report, members of the commission may, with the approval of
11 the chair, receive reimbursement pursuant to subsection (6)
12 for travel necessary to consult with the Legislature
13 concerning issues raised by, and implementation of, the final
14 report, until termination of the commission.

15
16 (Redesignate subsequent sections.)
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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 3, after the first semicolon,
22
23 insert:
24 amending s. 330.30, F.S.; exempting certain
25 spaceports from a provision of law relating to
26 the approval of airport sites and the licensing
27 of airports; amending s. 331.303, F.S.;
28 revising definitions with respect to the
29 Spaceport Florida Authority Act; amending s.
30 331.304, F.S.; revising the boundaries of
31 spaceport territory; amending s. 331.360, F.S.;

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1 providing for the development of a spaceport
2 master plan; creating s. 332.008, F.S.;
3 providing limitation on the application of
4 chapter 332, F.S.; amending s. 334.03, F.S.;
5 redefining the term "transportation facility";
6 amending s. 334.30, F.S.; authorizing a fixed
7 guideway transportation system operating within
8 the Department of Transportation's right-of-way
9 to operate at any safe speed; amending s.
10 339.155, F.S.; revising a provision of law
11 governing transportation planning to include
12 reference to spaceport master plans; amending
13 s. 339.175, F.S.; including reference to
14 spaceports and aerospace development with
15 respect to metropolitan planning organizations;
16 creating the Commission on the Future of
17 Aeronautics and Space in Florida; providing for
18 qualifications and appointment of members;
19 directing the commission to study and make
20 recommendations regarding specified areas
21 relating to aeronautics and aerospace in the
22 state; requiring reports;

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