

By Representative Futch

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 revising language with respect to the powers of
13 the Spaceport Florida Authority; amending s.
14 331.308, F.S.; deleting obsolete language with
15 respect to the board of supervisors; amending
16 s. 331.229, F.S.; revising language with
17 respect to changing boundary lines for
18 spaceports; amending s. 331.331, F.S.; removing
19 a limitation on the issuance of certain revenue
20 bonds; amending s. 331.360, F.S.; providing for
21 the development of a spaceport master plan;
22 directing the Department of Transportation to
23 promote and develop aerospace transportation
24 facilities; amending s. 332.004, F.S.;
25 providing definitions; amending s. 332.006,
26 F.S.; providing for the duties and
27 responsibilities of the Department of
28 Transportation with respect to aerospace
29 development; amending s. 332.007, F.S.;
30 providing for the administration and financing
31 of aerospace programs and projects; amending s.

1 334.03, F.S.; redefining the term
2 "transportation facility"; amending s. 339.155,
3 F.S.; revising a provision of law governing
4 transportation planning to include reference to
5 spaceport master plans; amending s. 339.175,
6 F.S.; including reference to spaceports and
7 aerospace development with respect to
8 metropolitan planning organizations; amending
9 ss. 196.012 and 334.27, F.S.; correcting cross
10 references to conform to the act; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Short title--This act may be cited as the
16 "Florida Space Transportation Planning Act."

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

19 330.30 Approval of airport sites and licensing of
20 airports; fees.--

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

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

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

27 331.303 Definitions.--

28 (16) "Project" means any development, improvement,
29 property, launch, utility, facility, system, works, road,
30 sidewalk, enterprise, service, or convenience, which may
31 include coordination with Enterprise Florida, Inc.~~the Florida~~

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

21 Section 4. Section 331.304, Florida Statutes, is
22 amended to read:

23 331.304 Spaceport territory.--The following property
24 shall constitute spaceport territory:

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

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

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

- 1 ~~(c) Western boundary--Cape Road (State Road 401).~~
2 ~~(d) Southern boundary--Latitude 28°26' North.~~
3 (2) Certain real property located in Gulf County with
4 the following boundaries:
5 (a) Northern boundary--Latitude 29°40'45" North from
6 longitude 85°20' West in a westerly direction to the mean high
7 water line of the Gulf of Mexico.
8 (b) Eastern boundary--Longitude 85°20' West.
9 (c) Western boundary--The mean high water line of the
10 shore along the Gulf of Mexico.
11 (d) Southern boundary--The mean high water line of the
12 shore along the Gulf of Mexico.
13 (3) Certain real property located in Santa Rosa,
14 Okaloosa, and Walton Counties that is included within the 1997
15 boundaries of Eglin Air Force Base.
16 (4) Certain real property within Dade County that is
17 included within the 1997 boundaries of the Homestead Air
18 Reserve Base.
19 Section 5. Subsections (1), (4), (12), (21), and (24)
20 of section 331.305, Florida Statutes, are amended to read:
21 331.305 Powers of the authority.--The authority shall
22 have the power to:
23 (1) Exercise all powers granted to corporations under
24 the Florida Business General Corporation Act, chapter 607.
25 (4) Review and make recommendations with respect to a
26 strategy to guide and facilitate the future of space-related
27 educational and commercial development. The authority shall
28 in coordination with the Federal Government, private industry,
29 and Florida universities develop a business plan which shall
30 address the expansion of Spaceport Florida locations, space
31 launch capacity, spaceport projects, and complementary

1 activities, which shall include, but not be limited to, a
2 detailed analysis of:
3 (a) The authority and the commercial space industry.
4 (b) Products, services description--potential,
5 technologies, skills.
6 (c) Market research and evaluation--customers,
7 competition, economics.
8 (d) Marketing plan and strategy.
9 (e) Design and development plan--tasks, difficulties,
10 costs.
11 (f) Manufacturing locations, facilities, and
12 operations plan.
13 (g) Management organization--roles and
14 responsibilities.
15 (h) Overall schedule (monthly).
16 (i) Important risks, assumptions, and problems.
17 (j) Community impact--economic, human development,
18 community development.
19 (k) Financial plan (monthly for first year; quarterly
20 for next 3 years).
21 (l) Proposed authority offering--financing,
22 capitalization, use of funds.
23
24 ~~A final report containing the recommendations and business~~
25 ~~plan of the authority shall be completed and submitted prior~~
26 ~~to the 1990 Regular Session of the Legislature, along with any~~
27 ~~proposed statutory changes and related legislative budget~~
28 ~~requests required to implement the business plan, to the~~
29 ~~Governor, the President of the Senate, the Speaker of the~~
30 ~~House of Representatives, the minority leader of the Senate,~~
31 ~~and the minority leader of the House of Representatives.~~

1 (12) Own, acquire, construct, reconstruct, equip,
2 operate, maintain, extend, and improve electric power plants,
3 transmission lines and related facilities, gas mains and
4 facilities of any nature for the production or distribution of
5 natural gas, transmission lines and related facilities and
6 plants and facilities for the generation and transmission of
7 power through traditional and new and experimental sources of
8 power and energy; purchase electric power, natural gas, and
9 other sources of power for distribution within any spaceport
10 territory; develop and operate water and sewer systems and
11 waste collection and disposal consistent with chapter 88-130,
12 Laws of Florida; and develop and operate such new and
13 experimental public utilities, including, but not limited to,
14 centrally distributed heating and air-conditioning facilities
15 and services, closed-circuit television systems, and computer
16 services and facilities, as the board may from time to time
17 determine. ~~However, the authority shall not construct any~~
18 ~~system, work, project, or utility authorized to be constructed~~
19 ~~under this paragraph in the event that a system, work,~~
20 ~~project, or utility of a similar character is being actually~~
21 ~~operated by a municipality or private company in the~~
22 ~~municipality or territory adjacent thereto, unless such~~
23 ~~municipality or private company consents to such construction.~~

24 (21) Issue revenue bonds, assessment bonds, or any
25 other bonds or obligations authorized by the provisions of
26 this act or any other law, or any combination of the
27 foregoing, and pay all or part of the cost of the acquisition,
28 construction, reconstruction, extension, repair, improvement,
29 or maintenance of any project or combination of projects,
30 including payloads and space flight hardware, and equipment
31 for research, development, and educational activities, to

1 provide for any facility, service, or other activity of the
2 authority, and provide for the retirement or refunding of any
3 bonds or obligations of the authority, or for any combination
4 of the foregoing purposes. ~~Until December 31, 1994, bonds,~~
5 ~~other than conduit bonds, issued under the authority contained~~
6 ~~in this act shall not exceed a total of \$500 million and must~~
7 ~~first be approved by a majority of the members of the Governor~~
8 ~~and Cabinet.~~ The authority must provide 14 days' notice to
9 the presiding officers and appropriations chairs of both
10 houses of the Legislature prior to presenting a bond proposal
11 to the Governor and Cabinet. If either presiding officer or
12 appropriations chair objects to the bonding proposal within
13 the 14-day-notice period, the bond issuance may be approved
14 only by a vote of two-thirds of the members of the Governor
15 and Cabinet.

16 (24) Exercise the right and power of eminent domain ~~in~~
17 ~~spaceport territory as defined in s. 331.304.~~ In exercising
18 such power, the authority shall comply with the procedures and
19 requirements of chapters 73 and 74.

20 Section 6. Subsection (2) of section 331.308, Florida
21 Statutes, is amended to read:

22 331.308 Board of supervisors.--

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

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

9 Section 7. Subsections (3) and (4) of section 331.329,
10 Florida Statutes, are amended to read:

11 331.329 Changing boundary lines; annexation and
12 exclusion of lands; creation of municipalities within the
13 geographical limits of any spaceport territory; limitations on
14 the furnishing of services within annexed areas.--

15 ~~(3) In the event that the geographical limits of any~~
16 ~~spaceport territory as set forth in s. 331.304 are revised so~~
17 ~~as to include within any spaceport territory any areas not~~
18 ~~presently contained within any spaceport territory, the~~
19 ~~authority shall not engage in the business of furnishing~~
20 ~~electric power for sale in such annexed area, unless the~~
21 ~~authority shall offer to purchase from any person who is at~~
22 ~~the time engaged in the business of making, generating, or~~
23 ~~distributing electricity for sale within such annexed area,~~
24 ~~such portion of its electric plant and property suitable and~~
25 ~~used for such business in connection therewith as lies within~~
26 ~~the limits of such annexed area, in a manner consistent with~~
27 ~~law.~~

28 (3)~~(4)~~ The authority shall designate new launch pads
29 outside the present designated spaceport territories by
30 statutory amendment of s. 331.304.

31

1 Section 8. Subsection (1) of section 331.331, Florida
2 Statutes, is amended to read:

3 331.331 Revenue bonds.--

4 (1) Revenue bonds issued by the authority shall not be
5 deemed revenue bonds issued by the state or its agencies for
6 purposes of s. 11, Art. VII of the State Constitution and ss.
7 215.57-215.83. ~~However, until December 31, 1994, the power of~~
8 ~~the authority to issue revenue bonds shall be limited as~~
9 ~~provided in s. 331.305.~~ The authority shall include in its
10 annual report to the Governor and Legislature, as provided in
11 s. 331.310, a summary of the status of existing and proposed
12 bonding projects.

13 Section 9. Section 331.360, Florida Statutes, is
14 amended to read:

15 331.360 Joint project agreement or assistance.--

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

23 (2) The authority shall develop a spaceport master
24 plan for expansion and modernization of space transportation
25 facilities within spaceport territories as defined in s.
26 331.303(22). The plan shall contain recommended projects to
27 meet current and future commercial, national, and state space
28 transportation requirements, and identify appropriate funding
29 levels and sources. The authority shall submit the plan to any
30 appropriate M.P.O. for review of intermodal impacts. The
31 authority shall submit the spaceport master plan to the

1 Department of Transportation for inclusion within the
2 department's 5-year work program of qualifying aerospace
3 discretionary capacity improvement under ss. 332.001-332.007.

4 Section 10. Section 332.001, Florida Statutes, is
5 amended to read:

6 332.001 Aviation and aerospace; powers and duties of
7 the Department of Transportation.--

8 (1) It shall be the duty, function, and responsibility
9 of the Department of Transportation to plan airport systems in
10 this state. In carrying out this duty and responsibility, the
11 department may assist and advise, cooperate, and coordinate
12 with the federal, state, local, or private organizations and
13 individuals in planning such systems of airports.

14 (2) It shall be the duty, function, and responsibility
15 of the Department of Transportation to promote the further
16 development and improvement of air routes, airport facilities,
17 and landing fields and protect their approaches and to
18 stimulate the development of aviation commerce and air
19 facilities. In carrying out this duty and responsibility, the
20 department may advise and cooperate with municipalities,
21 counties, regional authorities, state agencies, appropriate
22 federal agencies, and interested private individuals and
23 groups.

24 (3) It shall be the duty, function, and responsibility
25 of the Department of Transportation to promote the further
26 development and improvement of aerospace transportation
27 facilities, to address intermodal requirements and impacts of
28 the launch ranges, spaceports, and other aerospace
29 transportation facilities, to assist in the development of
30 joint-use facilities and technology that support aviation and
31 aerospace operations, and to promote cooperative efforts

1 between federal and state government entities to improve space
2 transportation capacity and efficiency. In carrying out this
3 duty and responsibility, the department may assist and advise,
4 cooperate, and coordinate with federal, state, local, or
5 private organizations and individuals.

6 Section 11. Section 332.004, Florida Statutes, is
7 amended to read:

8 332.004 Definitions of terms used in ss.
9 332.003-332.007.--As used in ss. 332.003-332.007, the term:

10 (1) "Aerospace" means the science and art of space
11 flight and includes, but is not limited to, transportation to
12 and from orbital and suborbital locations by expendable launch
13 vehicles, sounding rockets, the space transportation system,
14 and other reusable launch vehicles; the operation,
15 construction, repair, or maintenance of spacecraft, spacecraft
16 engines, and accessories; the design, establishment,
17 construction, extension, operation, improvement, repair, or
18 maintenance of spaceports or other space tracking facilities;
19 and instruction in space flight or ground subjects pertaining
20 thereto.

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

29 (3) "Aircraft" means any motor vehicle or contrivance
30 now known, or hereafter invented, which is used or designed
31 for navigation of or flight in the air, except a parachute or

1 other contrivance designed for such navigation but used
2 primarily as safety equipment.

3 (4)~~(1)~~ "Airport" means any area of land or water, or
4 any manmade object or facility located therein, which is used,
5 or intended for public use, for the landing and takeoff of
6 aircraft, and any appurtenant areas which are used, or
7 intended for public use, for airport buildings or other
8 airport facilities or rights-of-way.

9 (5)~~(2)~~ "Airport hazard" means any structure or object
10 of natural growth located on or in the vicinity of a
11 public-use airport, or any use of land near such airport,
12 which obstructs or causes an obstruction to the airspace
13 required for the flight of aircraft in landing or taking off
14 at such airport or is otherwise hazardous to landing or taking
15 off at such airport.

16 (6)~~(3)~~ "Airport master planning" means the
17 development, for planning purposes, of information and
18 guidance to determine the extent, type, and nature of
19 development needed at a specific airport.

20 (7)~~(4)~~ "Airport or aviation development project" or
21 "development project" means any activity associated with the
22 design, construction, purchase, improvement, or repair of a
23 public-use airport or portion thereof, including, but not
24 limited to: the purchase of equipment; the acquisition of
25 land, including land required as a condition of a federal,
26 state, or local permit or agreement for environmental
27 mitigation; the removal, lowering, relocation, marking, and
28 lighting of airport hazards; the installation of navigation
29 aids used by aircraft in landing at or taking off from a
30 public airport; the installation of safety equipment required
31 by rule or regulation for certification of the airport under

1 s. 612 of the Federal Aviation Act of 1958, and amendments
2 thereto; and the improvement of access to the airport by road
3 or rail system which is on airport property and which is
4 consistent, to the maximum extent feasible, with the approved
5 local government comprehensive plan of the units of local
6 government in which the airport is located.

7 ~~(8)(5)~~ "Airport or aviation discretionary capacity
8 improvement projects" or "discretionary capacity improvement
9 projects" means capacity improvements which are consistent, to
10 the maximum extent feasible, with the approved local
11 government comprehensive plans of the units of local
12 government in which the airport is located, and which enhance
13 intercontinental capacity at airports which:

14 (a) Are international airports with United States
15 Customs Service;

16 (b) Had one or more regularly scheduled
17 intercontinental flights during the previous calendar year or
18 have an agreement in writing for installation of one or more
19 regularly scheduled intercontinental flights upon the
20 commitment of funds for stipulated airport capital
21 improvements; and

22 (c) Have available or planned public ground
23 transportation between the airport and other major
24 transportation facilities.

25 (9) "Aviation" means the science and art of flight and
26 includes, but is not limited to, transportation by aircraft;
27 the operation, construction, repair, or maintenance of
28 aircraft, aircraft power plants, and accessories, including
29 the repair, packing, and maintenance of parachutes; the
30 design, establishment, construction, extension, operation,
31 improvement, repair, or maintenance of airports or other air

1 navigation facilities; and instruction in flying or ground
2 subjects pertaining thereto.

3 (10)~~(6)~~ "Aviation and aerospace system planning" means
4 the development of comprehensive aviation and aerospace plans
5 designed to achieve and facilitate the establishment of a
6 statewide, integrated aviation aerospace system in order to
7 meet the current and future aviation and aerospace needs of
8 this state.

9 (11)~~(7)~~ "Eligible agency" means a political
10 subdivision of the state or an authority which owns or seeks
11 to develop a public-use airport.

12 (12)~~(8)~~ "Federal aid" means funds made available from
13 the Federal Government for the accomplishment of airport or
14 aviation development projects.

15 (13)~~(9)~~ "Florida airport system" means all existing
16 public-use airports that are owned and operated within the
17 state and those public-use airports which will be developed
18 and made operational in the future.

19 (14)~~(10)~~ "Landing area" means that area used or
20 intended to be used for the landing, takeoff, or surface
21 maneuvering of an aircraft.

22 (15)~~(11)~~ "Planning agency" means any agency authorized
23 by the laws of the state or by a political subdivision to
24 engage in area planning for the areas in which assistance
25 under this act is contemplated.

26 (16)~~(12)~~ "Project" means a project for the
27 accomplishment of airport or aviation development or airport
28 master planning.

29 (17)~~(13)~~ "Project cost" means any cost involved in
30 accomplishing a project.

31

1 ~~(18)(14)~~ "Public-use airport" means any publicly owned
2 airport which is used or to be used for public purposes.

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

5 ~~(20)(15)~~ "Sponsor" means any eligible agency which,
6 either individually or jointly with one or more eligible
7 agencies, submits to the department an application for
8 financial assistance for an airport development project in
9 accordance with this act, or the Spaceport Florida Authority
10 for the submission of a spaceport development project.

11 Section 12. Section 332.006, Florida Statutes, is
12 amended to read:

13 332.006 Duties and responsibilities of the Department
14 of Transportation.--The Department of Transportation shall,
15 within the resources provided pursuant to chapter 216:

16 (1) Provide coordination and assistance for the
17 development of a viable aviation and aerospace system in this
18 state. To support the system, a statewide aviation and
19 aerospace system plan shall be developed and periodically
20 updated which summarizes 5-year, 10-year, and 20-year airport,
21 and aviation, and aerospace needs within the state. The
22 statewide aviation and aerospace system plan shall be
23 consistent with the goals of the Florida Transportation Plan
24 developed pursuant to s. 339.155. The statewide aviation and
25 aerospace system plan shall not preempt local airport master
26 plans adopted in compliance with federal and state
27 requirements or spaceport master plans adopted by the
28 Spaceport Florida Authority.

29 (2) Advise and assist the Governor in all aviation and
30 aerospace matters.

31

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

3 (b) Upon request, assist the Spaceport Florida
4 Authority, both financially and technically in spaceport
5 planning.

6 (4) Upon request, provide financial and technical
7 assistance to public agencies which operate public-use
8 airports or spaceports by making department personnel and
9 department-owned facilities and equipment available on a
10 cost-reimbursement basis to such agencies for special needs of
11 limited duration. The requirement relating to reimbursement
12 of personnel costs may be waived by the department in those
13 cases in which the assistance provided by its personnel was of
14 a limited nature or duration.

15 (5) Participate in research and development programs
16 relating to airports and aerospace.

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

20 (7) Develop, promote, and distribute supporting
21 information and educational services.

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

24 (9) Support the development of land located within the
25 boundaries of airports and spaceports for the purpose of
26 industrial or other uses compatible with airport and spaceport
27 operations with the objective of assisting airports and
28 spaceports in this state to become fiscally self-supporting.
29 Such assistance may include providing state moneys on a
30 matching basis to airport sponsors and the Spaceport Florida
31 Authority for capital improvements, including, but not limited

1 to, fixed-base operation facilities, parking areas, industrial
2 park utility systems, and road and rail transportation systems
3 which are on airport property.

4 Section 13. Section 332.007, Florida Statutes, is
5 amended to read:

6 332.007 Administration and financing of aviation,and
7 airport, and aerospace programs and projects; state plan.--

8 (1) Federal funding of individual local airport
9 projects shall continue to be wholly between the local airport
10 sponsors and the appropriate federal agencies; however, the
11 Department of Transportation is authorized to receive federal
12 grants for statewide projects when no local sponsor is
13 available.

14 (2)(a) The Department of Transportation shall prepare
15 and continuously update an aviation,and airport, and
16 aerospace work program in accordance with subsections (6),and
17 (7), and (8) based on a collection of the local sponsors'
18 proposed projects to be included in the work program of the
19 department developed pursuant to s. 339.135. The airport work
20 program shall separately identify development projects and
21 discretionary capacity improvement projects.

22 (b) The aviation and airport work program shall be
23 consistent with the statewide aviation and aerospace system
24 plan and, to the maximum extent feasible, consistent with
25 approved local government comprehensive plans. Projects
26 involving funds administered by the department to be
27 undertaken and implemented by the airport sponsor shall be
28 included in the aviation and airport work program.

29 (3) Assistance pursuant to the provisions of this
30 section shall only be provided for projects which are included
31

1 in the department's adopted work program developed pursuant to
2 s. 339.135.

3 (4)(a) The annual legislative budget request for
4 aviation and airport development projects shall be based on
5 the funding required for development projects in the aviation,
6 ~~and airport,~~ and aerospace work program. The department shall
7 provide priority funding in support of the planning, design,
8 and construction of proposed projects by local sponsors, with
9 special emphasis on projects for runways and taxiways,
10 including the painting and marking of runways and taxiways,
11 lighting, other related airside activities, and airport access
12 transportation facility projects on airport property.

13 (b) Projects which provide for construction of an
14 automatic weather observation station are eligible for the use
15 of funds provided for herein.

16 (c) No single airport shall secure airport or aviation
17 development project funds in excess of 25 percent of the total
18 airport or aviation development project funds available in any
19 given budget year. However, any airport which receives
20 discretionary capacity improvement project funds in a given
21 fiscal year shall not receive greater than 10 percent of total
22 aviation and airport development project funds appropriated in
23 that fiscal year.

24 (d) Unless prohibited by the appropriations act or
25 general legislation, the department may transfer funds for an
26 airport and aviation development project to other airport and
27 aviation development projects to maximize the aviation
28 services or federal aid available to this state.

29 (5) Only those projects or programs provided for in
30 this act that will contribute to the implementation of the
31 state aviation and aerospace system plan, that are consistent

1 with and will contribute to the implementation of any airport
2 or spaceport master plan or layout plan, and that are
3 consistent, to the maximum extent feasible, with the approved
4 local government comprehensive plans of the units of
5 government in which the airport or spaceport is located are
6 eligible for the expenditure of state funds in accordance with
7 fund participation rates and priorities established herein.

8 (6) Subject to the availability of appropriated funds,
9 the department may participate in the capital cost of eligible
10 public airport and aviation development projects in accordance
11 with the following rates, unless otherwise provided in the
12 General Appropriations Act or the substantive bill
13 implementing the General Appropriations Act:

14 (a) The department may fund up to 50 percent of the
15 portion of eligible project costs which are not funded by the
16 Federal Government, except that the department may initially
17 fund up to 75 percent of the cost of land acquisition for a
18 new airport or for the expansion of an existing airport which
19 is owned and operated by a municipality, a county, or an
20 authority, and shall be reimbursed to the normal statutory
21 project share when federal funds become available or within 10
22 years after the date of acquisition, whichever is earlier.

23 Due to federal budgeting constraints, the department may also
24 initially fund the federal portion of eligible project costs
25 subject to:

26 1. The department receiving adequate assurance from
27 the Federal Government or local sponsor that this amount will
28 be reimbursed to the department; and

29 2. The department having adequate funds in the work
30 program to fund the project.

31

1 Such projects must be contained in the Federal Government's
2 Airport Capital Improvement Program, and the Federal
3 Government must fund, or have funded, the first year of the
4 project.

5 (b) The department may retroactively reimburse cities,
6 counties, or airport authorities up to 50 percent of the
7 nonfederal share for land acquisition when such land is needed
8 for airport safety, expansion, tall structure control, clear
9 zone protection, or noise impact reduction. No land purchased
10 prior to July 1, 1990, or purchased prior to executing the
11 required department agreements shall be eligible for
12 reimbursement.

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

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

22 (7) Subject to the availability of appropriated funds
23 in addition to aviation fuel tax revenues, the department may
24 participate in the capital cost of eligible public airport and
25 aviation discretionary capacity improvement projects. The
26 annual legislative budget request shall be based on the
27 funding required for discretionary capacity improvement
28 projects in the aviation, ~~and~~ airport, and aerospace work
29 program.

30 (a) The department shall provide priority funding in
31 support of:

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

4 2. Runway and taxiway projects that add capacity or
5 are necessary to accommodate technological changes in the
6 aviation industry.

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

9 4. International terminal projects that increase
10 international gate capacity.

11 (b) No single airport shall secure discretionary
12 capacity improvement project funds in excess of 50 percent of
13 the total discretionary capacity improvement project funds
14 available in any given budget year.

15 (c) Unless prohibited by the General Appropriations
16 Act or by law, the department may transfer funds within each
17 category of the airport and aviation discretionary capacity
18 improvement program to maximize the aviation services or
19 federal aid available to this state.

20 (d) The department may fund up to 50 percent of the
21 portion of eligible project costs which are not funded by the
22 Federal Government except that the department may initially
23 fund up to 75 percent of the cost of land acquisition for a
24 new airport or for the expansion of an existing airport which
25 is owned and operated by a municipality, a county, or an
26 authority, and shall be reimbursed to the normal statutory
27 project share when federal funds become available or within 10
28 years after the date of acquisition, whichever is earlier.

29 (8) Subject to the availability of appropriated funds,
30 the department may participate in the capital cost of eligible
31 aerospace discretionary capacity improvement projects. The

1 annual legislative budget request shall be based on the
2 funding required for aerospace discretionary capacity
3 improvement projects in the aviation, airport, and aerospace
4 work program.

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

7 334.03 Definitions.--When used in the Florida
8 Transportation Code, the term:

9 (31) "Transportation facility" means any means for the
10 transportation of people or ~~and~~ property from place to place
11 which is constructed, operated, or maintained in whole or in
12 part from public funds. The term includes the property or
13 property rights, both real and personal, which have been or
14 may be established by public bodies for the transportation of
15 people or ~~and~~ property from place to place.

16 Section 15. Paragraph (d) of subsection (2) of section
17 339.155, Florida Statutes, is amended, paragraphs (w) and (x)
18 of subsection (2) are redesignated as paragraphs (x) and (y),
19 respectively, and a new paragraph (w) is added to subsection
20 (2) of said section, to read:

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

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

1 the Florida Transportation Plan, the department shall consider
2 the following:

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

8 (w) The spaceport master plan approved by the
9 Spaceport Florida Authority.

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

15 339.175 Metropolitan planning organization.--It is the
16 intent of the Legislature to encourage and promote the
17 development of transportation systems embracing various modes
18 of transportation in a manner that will maximize the mobility
19 of people and goods within and through urbanized areas of this
20 state and minimize, to the maximum extent feasible, and
21 together with applicable regulatory government agencies,
22 transportation-related fuel consumption and air pollution. To
23 accomplish these objectives, metropolitan planning
24 organizations, referred to in this section as M.P.O.'s, shall
25 develop, in cooperation with the state, transportation plans
26 and programs for metropolitan areas. Such plans and programs
27 must provide for the development of transportation facilities
28 that will function as an intermodal transportation system for
29 the metropolitan area. The process for developing such plans
30 and programs shall be continuing, cooperative, and
31

1 comprehensive, to the degree appropriate, based on the
2 complexity of the transportation problems.

3 (2) VOTING MEMBERSHIP.--

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

1 government represented on the M.P.O., they shall be provided
2 voting membership on the M.P.O. The county commission shall
3 compose not less than 20 percent of the M.P.O. membership if
4 an official of an agency that operates or administers a major
5 mode of transportation has been appointed to an M.P.O.

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

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

21 1. The preservation of existing transportation
22 facilities and, where practical, ways to meet transportation
23 needs by using existing facilities more efficiently;

24 2. The consistency of transportation planning with
25 applicable federal, state, and local energy conservation
26 programs, goals, and objectives;

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

29 4. The likely effect of transportation policy
30 decisions on land use and development and the consistency of
31

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

1 15. The possible allocation of capital investments to
2 increase security for transit systems.

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

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

25
26 In the development of its long-range plan, each M.P.O. must
27 provide affected public agencies, representatives of
28 transportation agency employees, private providers of
29 transportation, other interested parties, and members of the
30 general public with a reasonable opportunity to comment on the
31

1 long-range plan. The long-range plan must be approved by the
2 M.P.O.

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

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

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

29 1. Include projects and project phases to be funded
30 with state or federal funds within the time period of the
31 transportation improvement program and which are recommended

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

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

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

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

29 5. Indicate how the transportation improvement program
30 relates to the long-range plan developed under subsection (6),
31 including providing examples of specific projects or project

1 phases that further the goals and policies of the long-range
2 plan.

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

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

14 (9) AGREEMENTS.--

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

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

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

28 3. An agreement with operators of public
29 transportation systems, including transit systems, commuter
30 rail systems, airports, ~~and~~ seaports, and spaceports,
31 describing the means by which activities will be coordinated

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

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

7 196.012 Definitions.--For the purpose of this chapter,
8 the following terms are defined as follows, except where the
9 context clearly indicates otherwise:

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

1 lessee which is permitted under the terms of its lease of real
2 property designated as a public airport as defined in s.
3 332.004(18)~~(14)~~ by municipalities, agencies, special
4 districts, authorities, or other public bodies corporate and
5 public bodies politic of the state, or which is located in a
6 deepwater port identified in s. 403.021(9)(b) and owned by one
7 of the foregoing governmental units, subject to a leasehold or
8 other possessory interest of a nongovernmental lessee that is
9 deemed to perform an aviation or airport or maritime or port
10 purpose or operation shall be deemed an activity that serves a
11 governmental, municipal, or public purpose. The use by a
12 lessee, licensee, or management company of real property or a
13 portion thereof as a convention center, visitor center, sports
14 facility with permanent seating, concert hall, arena, stadium,
15 park, or beach is deemed a use that serves a governmental,
16 municipal, or public purpose or function when access to the
17 property is open to the general public with or without a
18 charge for admission. If property deeded to a municipality by
19 the United States is subject to a requirement that the Federal
20 Government, through a schedule established by the Secretary of
21 the Interior, determine that the property is being maintained
22 for public historic preservation, park, or recreational
23 purposes and if those conditions are not met the property will
24 revert back to the Federal Government, then such property
25 shall be deemed to serve a municipal or public purpose. The
26 term "governmental purpose" also includes a direct use of
27 property on federal lands in connection with the Federal
28 Government's Space Exploration Program. Real property and
29 tangible personal property owned by the Federal Government and
30 used for defense and space exploration purposes or which is
31 put to a use in support thereof shall be deemed to perform an

1 essential national governmental purpose and shall be exempt.
2 "Owned by the lessee" as used in this chapter does not include
3 personal property, buildings, or other real property
4 improvements used for the administration, operation, business
5 offices and activities related specifically thereto in
6 connection with the conduct of an aircraft full service fixed
7 based operation which provides goods and services to the
8 general aviation public in the promotion of air commerce
9 provided that the real property is designated as an aviation
10 area on an airport layout plan approved by the Federal
11 Aviation Administration. For purposes of determination of
12 "ownership," buildings and other real property improvements
13 which will revert to the airport authority or other
14 governmental unit upon expiration of the term of the lease
15 shall be deemed "owned" by the governmental unit and not the
16 lessee. Providing two-way telecommunications services to the
17 public for hire by the use of a telecommunications facility,
18 as defined in s. 364.02(13), and for which a certificate is
19 required under chapter 364 does not constitute an exempt use
20 for purposes of s. 196.199, unless the telecommunications
21 services are provided by the operator of a public-use airport,
22 as defined in s. 332.004, for the operator's provision of
23 telecommunications services for the airport or its tenants,
24 concessionaires, or licensees, or unless the
25 telecommunications services are provided by a public hospital.
26 However, property that is being used to provide such
27 telecommunications services on or before October 1, 1997,
28 shall remain exempt, but such exemption expires October 1,
29 2004.

30 Section 18. Subsection (1) of section 334.27, Florida
31 Statutes, is amended to read:

