

By the Committees on Business Development & International Trade, Transportation and Representatives Futch, Ball, Posey, Goode and Effman

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 a 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. 332.009,
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. 339.155, F.S.; revising a provision
21 of law governing transportation planning to
22 include reference to spaceport master plans;
23 amending s. 339.175, F.S.; including reference
24 to spaceports and aerospace development with
25 respect to metropolitan planning organizations;
26 amending s. 212.08, F.S.; creating a sales tax
27 exemption for people mover systems; providing
28 effective dates.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Short title--This act may be cited as the
2 "Florida Space Transportation Planning Act."

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

5 196.012 Definitions.--For the purpose of this chapter,
6 the following terms are defined as follows, except where the
7 context clearly indicates otherwise:

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

1 332.004(14) by municipalities, agencies, special districts,
2 authorities, or other public bodies corporate and public
3 bodies politic of the state, a spaceport as defined in s.
4 331.303(19), or which is located in a deepwater port
5 identified in s. 403.021(9)(b) and owned by one of the
6 foregoing governmental units, subject to a leasehold or other
7 possessory interest of a nongovernmental lessee that is deemed
8 to perform an aviation, ~~or~~ airport, aerospace, ~~or~~ maritime, ~~or~~
9 port purpose or operation shall be deemed an activity that
10 serves a governmental, municipal, or public purpose. The use
11 by a lessee, licensee, or management company of real property
12 or a portion thereof as a convention center, visitor center,
13 sports facility with permanent seating, concert hall, arena,
14 stadium, park, or beach is deemed a use that serves a
15 governmental, municipal, or public purpose or function when
16 access to the property is open to the general public with or
17 without a charge for admission. If property deeded to a
18 municipality by the United States is subject to a requirement
19 that the Federal Government, through a schedule established by
20 the Secretary of the Interior, determine that the property is
21 being maintained for public historic preservation, park, or
22 recreational purposes and if those conditions are not met the
23 property will revert back to the Federal Government, then such
24 property shall be deemed to serve a municipal or public
25 purpose. The term "governmental purpose" also includes a
26 direct use of property on federal lands in connection with the
27 Federal Government's Space Exploration Program or the
28 Spaceport Florida Authority. Real property and tangible
29 personal property owned by the Federal Government or the
30 Spaceport Florida Authority and used for defense and space
31 exploration purposes or which is put to a use in support

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

30 Section 3. Paragraph (d) of subsection (3) of section
31 330.30, Florida Statutes, 1998 Supplement, is amended to read:

1 330.30 Approval of airport sites and licensing of
2 airports; fees.--

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

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

11 Section 4. Subsection (25) is added to section
12 331.303, Florida Statutes, to read:

13 331.303 Definitions.--

14 (25) "Spaceport discretionary capacity improvement
15 projects" means capacity improvements which enhance space
16 transportation capacity at spaceports which have had one or
17 more orbital or suborbital flights during the previous
18 calendar year or have an agreement in writing for installation
19 of one or more regularly scheduled orbital or suborbital
20 flights upon the commitment of funds for stipulated spaceport
21 capital improvements.

22 Section 5. Section 331.304, Florida Statutes, is
23 amended to read:

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

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

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

31

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

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

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

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

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

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

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

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

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

18 Section 6. Section 331.3475, Florida Statutes, is
19 created to read:

20 331.3475 Spaceport facility loan guarantee program.--

21 (1) The Spaceport Florida Authority may determine the
22 situations and circumstances for its participation in
23 agreements with the Federal Government, financial
24 institutions, and others associated with the development of
25 aerospace facilities pursuant to this act for a limited state
26 guaranty of up to 30 years of loan guarantees or loan loss
27 reserves issued pursuant to law. The limited state loan
28 guaranty applies only to the primary lenders loans for
29 development of projects as defined in s. 331.303(16) in
30 spaceport territories where a federal agency or entity or
31 contractor is the leaseholder. A state guaranty of private

1 loans or a loan loss reserve may be authorized for lenders
2 licensed to operate in the state upon a determination by the
3 authority that such an arrangement would be in the public
4 interest and the likelihood of the success of the loan is
5 great.

6 (2) Approval of a proposed loan guarantee shall be by
7 an Aerospace Facility Financing Review Council, which shall
8 consist of the secretary of the Department of Transportation
9 or the secretary's designee, the executive director of the
10 State Board of Administration or the executive director's
11 designee, and the director of the Governor's Office of
12 Tourism, Trade, and Economic Development or the director's
13 designee. The chairperson of the council shall be the
14 director of the Governor's Office of Tourism, Trade, and
15 Economic Development. Staff services for activities of the
16 council shall be provided as needed by the member agencies.

17 (3) The Spaceport Florida Authority may enter into an
18 investment agreement with the Department of Revenue and/or the
19 State Board of Administration concerning the investment of the
20 earnings accrued and collected upon the investment of the
21 balance of funds maintained in the Working Capital Trust Fund.
22 The investment must be limited as follows:

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

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

30 (4) A lender seeking approval of a limited state
31 guaranty for a loan from the Aerospace Facility Financing

1 Review Council must first provide to the Spaceport Florida
2 Authority and the council a report demonstrating that the
3 lender has reviewed the project and determined its feasibility
4 in accordance with its standard procedures. The procedures
5 include, but are not limited to:
6 (a) Obtaining a satisfactory credit report from a
7 source deemed reliable by the lender.
8 (b) Investigating the background and experience of the
9 manager of the project and determining that the managing
10 entity appears to possess the experience, competence, and
11 capacity to manage the project.
12 (c) Determining that conditions exist to establish a
13 financially sound development project that exposes the state
14 loan guarantee program to a reasonable or negligible level of
15 risk.
16 (d) Determining that the federal agency with
17 jurisdiction over the area where the development project is
18 located has committed in-kind resources, financial incentives,
19 or financial resources to the total project cost.
20 (e) Evaluating the prospects for continued funding of
21 the program or programs that will be primary users of the
22 project.
23 (5) A lender covered by a limited state guaranty for a
24 loan is not entitled to file a claim for loss pursuant to the
25 guaranty unless all reasonable and normal remedies available
26 and customary for lending institutions for resolving problems
27 of loan repayments are exhausted. If the lender has received
28 collateral security in connection with the loan, the lender
29 must first exhaust all available remedies against the
30 collateral security.
31

1 (6) The council may establish requirements for the
2 issuance of loan guarantees, including contractual provisions
3 to foster reimbursement, in the event of default, to the
4 guarantee fund.

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

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

19 Section 7. Section 331.360, Florida Statutes, is
20 amended to read:

21 331.360 Joint project agreement or assistance.--

22 (1) It shall be the duty, function, and responsibility
23 of the Department of Transportation to promote the further
24 development and improvement of aerospace transportation
25 facilities, to address intermodal requirements and impacts of
26 the launch ranges, spaceports, and other space transportation
27 facilities, to assist in the development of joint-use
28 facilities and technology that support aviation and aerospace
29 operations, and to facilitate and promote cooperative efforts
30 between federal and state government entities to improve space
31 transportation capacity and efficiency. In carrying out this

1 duty and responsibility, the department may assist and advise,
2 and cooperate and coordinate with, federal, state, local, or
3 private organizations and individuals. The department may
4 administratively house its space transportation
5 responsibilities within an existing division or office.

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

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

28 (4) Subject to the availability of appropriated funds,
29 the department may participate in the capital cost of eligible
30 spaceport discretionary capacity improvement projects. The
31 annual legislative budget request shall be based on the

1 proposed funding requested for approved spaceport
2 discretionary capacity improvement projects.

3 Section 8. Section 332.009, Florida Statutes, is
4 created to read:

5 332.009 Limitation on operation of chapter.--Nothing
6 in this chapter shall be construed to authorize expenditure of
7 aviation fuel tax revenues on space transportation projects.
8 Nothing in this chapter shall be construed to limit the
9 department's authority under s. 331.360.

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

12 334.03 Definitions.--When used in the Florida
13 Transportation Code, the term:

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

21 Section 10. Paragraph (d) of subsection (2) of section
22 339.155, Florida Statutes, is amended, present paragraphs (w)
23 and (x) are redesignated as paragraphs(x) and (y),
24 respectively, and a new paragraph (w) is added to that
25 subsection, to read:

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

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

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

14 (w) The spaceport master plan approved by the
15 Spaceport Florida Authority.

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

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

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

8 (2) VOTING MEMBERSHIP.--

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

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

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

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

- 26 1. The preservation of existing transportation
27 facilities and, where practical, ways to meet transportation
28 needs by using existing facilities more efficiently;
- 29 2. The consistency of transportation planning with
30 applicable federal, state, and local energy conservation
31 programs, goals, and objectives;

- 1 3. The need to relieve congestion and prevent
- 2 congestion from occurring where it does not yet occur;
- 3 4. The likely effect of transportation policy
- 4 decisions on land use and development and the consistency of
- 5 transportation plans and programs with all applicable
- 6 short-term and long-term land use and development plans;
- 7 5. The programming of transportation enhancement
- 8 activities as required by federal law;
- 9 6. The effect of all transportation projects to be
- 10 undertaken in the metropolitan area, without regard to whether
- 11 such projects are publicly funded;
- 12 7. The provision of access to seaports, airports,
- 13 spaceports, intermodal transportation facilities, major
- 14 freight distribution routes, national and state parks,
- 15 recreation areas, monuments and historic sites, and military
- 16 installations;
- 17 8. The need for roads within the metropolitan area to
- 18 efficiently connect with roads outside the metropolitan area;
- 19 9. The transportation needs identified through the use
- 20 of transportation management systems required by federal or
- 21 state law;
- 22 10. The preservation of rights-of-way for construction
- 23 of future transportation projects, including the
- 24 identification of unused rights-of-way that may be needed for
- 25 future transportation corridors and the identification of
- 26 corridors for which action is most needed to prevent
- 27 destruction or loss;
- 28 11. Any available methods to enhance the efficient
- 29 movement of freight;
- 30 12. The use of life-cycle costs in the design and
- 31 engineering of bridges, tunnels, or pavement;

1 13. The overall social, economic, energy, and
2 environmental effects of transportation decisions;

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

5 15. The possible allocation of capital investments to
6 increase security for transit systems.

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

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

29
30 In the development of its long-range plan, each M.P.O. must
31 provide affected public agencies, representatives of

1 transportation agency employees, private providers of
2 transportation, other interested parties, and members of the
3 general public with a reasonable opportunity to comment on the
4 long-range plan. The long-range plan must be approved by the
5 M.P.O.

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

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

30 (c) The transportation improvement program must, at a
31 minimum:

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

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

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

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

1 5. Indicate how the transportation improvement program
2 relates to the long-range plan developed under subsection (6),
3 including providing examples of specific projects or project
4 phases that further the goals and policies of the long-range
5 plan.

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

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

17 (9) AGREEMENTS.--

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

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

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

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1 3. An agreement with operators of public
2 transportation systems, including transit systems, commuter
3 rail systems, airports, ~~and~~ seaports, and spaceports,
4 describing the means by which activities will be coordinated
5 and specifying how public transit, commuter rail, aviation,
6 ~~and seaport,~~ and aerospace planning and programming will be
7 part of the comprehensive planned development of the
8 metropolitan area.

9 Section 12. (1) Effective upon this act becoming a
10 law, paragraph (zz) is added to subsection (7) of section
11 212.08, Florida Statutes, 1998 Supplement, to read:

12 212.08 Sales, rental, use, consumption, distribution,
13 and storage tax; specified exemptions.--The sale at retail,
14 the rental, the use, the consumption, the distribution, and
15 the storage to be used or consumed in this state of the
16 following are hereby specifically exempt from the tax imposed
17 by this chapter.

18 (7) MISCELLANEOUS EXEMPTIONS.--

19 (zz) People mover systems.--There shall be exempt from
20 tax under this chapter sales of tangible personal property to
21 manufacturers or contractors of people mover systems or parts
22 thereof for sale directly to the United States Government, a
23 state, a county, a municipality, or a political subdivision of
24 a state, including, but not limited to, the operator of a
25 public-use airport, whether or not installed by the contractor
26 or manufacturer and whether or not furnished pursuant to an
27 operation and maintenance or repair agreement and whether or
28 not going into or becoming a part of a public works. People
29 mover systems include wheeled passenger vehicles and related
30 control and power distribution systems which are part of a
31 transportation system for use by the general public,

1 regardless of whether such vehicles are operator-controlled or
2 driverless; self-propelled or propelled by external power and
3 control systems; or conducted on roads, rails, guidebeams, or
4 other permanent structures which are an integral part of such
5 transportation system. The term "related control and power
6 distribution system" includes any electrical or electronic
7 control or signaling equipment but does not include the
8 embedded wiring, conduits, or cabling used to transmit
9 electrical or electronic signals among such control equipment;
10 power distribution equipment; signaling equipment; and wheeled
11 vehicles.

12
13 Exemptions provided to any entity by this subsection shall not
14 inure to any transaction otherwise taxable under this chapter
15 when payment is made by a representative or employee of such
16 entity by any means, including, but not limited to, cash,
17 check, or credit card even when that representative or
18 employee is subsequently reimbursed by such entity.

19 (2) The provisions of s. 212.08(7)(zz), Florida
20 Statutes, as created by this section, shall apply
21 retroactively. However, any tax collected prior to July 1,
22 1999, for transactions exempted under such paragraph, shall be
23 remitted to the department. Furthermore, any tax collected or
24 remitted to the department prior to July 1, 1999, for
25 transactions exempted under such paragraph, shall not be
26 subject to refund.

27 Section 13. Except as otherwise provided herein, this
28 act shall take effect July 1, 1999.

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