

**STORAGE NAME:** h0993b.bdt

**DATE:** April 9, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
BUSINESS DEVELOPMENT & INTERNATIONAL TRADE  
ANALYSIS**

**BILL #:** HB 993

**RELATING TO:** Aeronautics & Space/Commission

**SPONSOR(S):** Representative Turnbull

**COMPANION BILL(S):** SB 1196 (S)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) BUSINESS DEVELOPMENT & INTERNATIONAL TRADE YEAS 7 NAYS 0
  - (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

This bill creates the Commission on the Future of Aeronautics and Space in Florida. The Commission is to study and make recommendations to the Legislature regarding ways in which Florida can establish itself as a prime location for aviation and aerospace industries. The bill requires the Commission to prepare a preliminary report of its findings and recommendations by December 1, 1999, and a final report by January 15, 2000, and submit each report to the Governor and the Speaker and Minority Leader of the House, and the President and Minority Leader of the Senate.

The Commission is to be composed of the following 11 members: the chairs of the Transportation committees of both the House of Representatives and the Senate; a representative of the Aviation Office of the Department of Transportation (DOT) appointed by the Secretary of DOT; three members appointed by the Governor; two members appointed by the Speaker of the House of Representatives; two members appointed by the President of the Senate; and a representative of Spaceport Florida Authority appointed by the board of supervisors of the authority.

The Commission may employ an executive director with aeronautical knowledge and experience and the DOT is to provide administrative and staff support.

The Commission is directed to: survey state and local laws, ordinances, and rules affecting the development and regulation of aviation and aerospace industries and recommend ways to streamline for more efficient operations and to consider whether one governmental agency should be charged with the oversight of aviation and aerospace; examine ways aviation and aerospace industries and their related industry fields can be attracted to Florida permanently and recommend actions to achieve this goal; review existing studies to evaluate the availability of commercial air service in Florida; identify future advances in these industries and ways Florida can prepare for them; identify federal aid and ways Florida may be effective in obtaining it; and examine Florida's secondary and postsecondary education system and identify curricula needs in order to produce a highly qualified work force.

The bill provides an effective date of upon becoming law.

The bill does not address the issue of rulemaking except to the extent the Commission is directed to examine and recommend needed changes in the local laws, ordinances, and rules affecting the development of the aerospace and aviation industries in Florida.

The revenue estimating conference has not yet reviewed this bill.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Part II, ss. 331.301 through 331.360, F.S., known as the "Spaceport Florida Authority Act" (the "Act") created the Spaceport Florida Authority (SFA). The purpose of the "Act" is to provide a unified direction for space-related economic growth and educational development, to ensure a stable and dynamic economic climate, to attract and maintain space-related businesses suitable to the state, and to further the coordination and development of Florida's economy. The SFA works at the directions of its board of supervisors, with the federal government, private industry, and Florida universities to develop and expand spaceport facilities, space launch capacity, spaceport projects, and other related activities.

The Spaceport Authority's executive director reports to a nine-member board of supervisors appointed by the Governor and Legislature. Seven board members are appointed by the Governor, serving two and three year terms. One board member is appointed by the President of the Senate and one board member is appointed by the Speaker of the House of Representatives. These legislative appointees are non-voting members of the board.

The Florida Department of Transportation (DOT) has the statutory responsibility for site approval and licensing of airports. In addition, DOT's aviation program provides planning, technical, and financial assistance to the state's system of airports. In addition to local funding, airport projects receive funding from both the federal Airport and Airway Trust Fund and the State Transportation Trust Fund (STTF). Airport related tax and fee revenues from aviation fuel taxes, ticket taxes, and passenger facility charges are deposited in these trust funds, providing a nexus between fees paid by system users and aviation project funding. Pursuant to statutory authorization, DOT has entered into joint participation agreements with the SFA to help implement the Spaceport Florida Authority Act. DOT is expressly prohibited from funding the administrative or operational costs of the SFA.

B. EFFECT OF PROPOSED CHANGES:

Legislative findings that aviation and aerospace industries comprise an important segment of Florida's economy, and that Florida should be established as a prime location for aviation and aerospace industries are codified. Further, the bill provides that effective action by the state must be based on reliable assessment of the present regulatory climate for these industries in Florida.

The Commission on the Future of Aeronautics and Space in Florida would be created with the following 11 members:

- (a) The chairs of the Transportation Committees of the House of Representatives and the Senate.
- (b) A representative of the Aviation Office of the Department of Transportation appointed by the Secretary of the Department.
- (c) A representative of the Spaceport Florida Authority appointed by its board of supervisors.
- (d) Three members appointed by the Governor.
- (e) Two members appointed by the President of the Senate.
- (f) Two members appointed by the Speaker of the House of Representatives.

The members appointed by the Governor, Senate President, and Speaker of the House of Representatives must be selected to equitably represent knowledge of , and experience in, commercial aviation; management of public airports; aviation manufacturing; aviation operations and maintenance; aerospace manufacturing; aerospace operations and maintenance; and aeronautics-related education.

The Commission members must appointed no later than 30 days after the effective date of the act, and it would serve until adjournment sine die of the 2000 Regular Session of the Legislature.

The Commission, upon appointment of its members, must meet to organize and select a chair and vice chair. Meetings of the Commission must be held quarterly upon call of the chair, and the Commission is authorized to employ an executive director. The DOT is directed to staff the Commission and provide administrative support.

The Commission is directed to:

1. Survey current state and local laws, ordinances, and rules affecting the development of aviation and aerospace industries in Florida and to recommend ways in which these regulations can be streamlined and revised to operate more efficiently. The Commission is also to consider whether regulation and oversight of these industries would best be done under one centralized agency.
2. Examine the ways in which these industries, along with component elements of manufacturing, assembly, marketing, servicing, maintenance, logistical support, human resources, and related research and development, can be attracted to locate permanently in Florida and to recommend actions the state and local governments can take to accomplish this goal.
3. Evaluate commercial air service Florida. Identify under-served areas and recommend actions to improve the availability, efficiency, and economy of such air service.
4. Identify future advances in these industries and make recommendations regarding how the state can anticipate, encourage, and accommodate such advances.
5. Identify the federal aid available to assist Florida in her efforts to be competitive in these industries and recommend ways in which the state may be most effective in obtaining such aid.
6. Examine the role of Florida's secondary and post secondary education system in providing a highly qualified workforce capable of meeting the needs of the aviation and aerospace industries, and recommend curricula in mathematics, science, and technology that will accomplish that goal.

The Commission is directed to prepare a preliminary report of its findings and recommendations by December 1, 1999, and a final report by January 15, 2000. The reports are to be submitted to the Governor, President of the Senate and the Senate's Minority Leader, and to the Speaker of the House of Representatives and the House Minority Leader.

Members of the Commission must serve without compensation; however, they may receive reimbursement for travel expenses.

The bill would be effective upon becoming law.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes, section II., B., of this analysis.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The DOT is charged with providing administrative and staff support for the Commission thereby making the DOT responsible for personnel and an expense budget. The bill directs the Commission to employ an executive director and it provides that Commission members may be reimbursed for travel expenses; however, the bill is silent as to a funding source.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

The revenue estimating conference has not yet reviewed this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

The revenue estimating conference has not yet reviewed this bill.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The revenue estimating conference has not yet reviewed this bill.

2. Direct Private Sector Benefits:

The revenue estimating conference has not yet reviewed this bill.

3. Effects on Competition, Private Enterprise and Employment Markets:

The revenue estimating conference has not yet reviewed this bill.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

None.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

None.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 7, 1999, the Committee on Business Development and International Trade adopted a strike-everything amendment to HB 993 and subsequently passed the bill. It was not made a committee substitute.

The strike-everything amendment incorporated the following changes to the language in the bill:

- ◆ It provides for the Governor to appoint two members to the Commission instead of three, and it requires that such appointments cannot be members of the Legislature.
- ◆ It provides for the Florida Airport Managers Association to make an appoint to the Commission and such appointment must be an airport manager in Florida.
- ◆ It removes the Commission's authority to appoint an executive director.
- ◆ It specifically states that the Commissioner's travel expenses and per diem are provided by the Department of Transportation.
- ◆ It provides for the Commission to include aeronautical education in those areas the Commission is responsible for reviewing in order to identify advances that can be expected in the future.
- ◆ It requires the Commission to "determine" whether Florida's secondary and postsecondary schools are producing a highly qualified workforce in sufficient numbers to meet the needs of the aerospace and aviation industries.
- ◆ It deletes the requirement for the Commission to identify curricula needs in mathematics, science and technology in order to accomplish the goal of producing a highly qualified workforce to meet the needs of the aerospace and aviation industries.

VII. SIGNATURES:

COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE:

Prepared by:

Staff Director:

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