

By Senator Sebesta

16-1391-03

1                                   A bill to be entitled  
2           An act relating to aviation; providing a short  
3           title; creating s. 332.14, F.S.; creating the  
4           Secure Airports for Florida's Economy Council,  
5           or SAFE Council, in the Department of  
6           Transportation; providing for council  
7           membership; requiring the council to prepare  
8           and periodically update a SAFE Master Plan for  
9           developing airport facilities and an intermodal  
10          transportation system; providing for  
11          rulemaking; providing for funding projects as  
12          specified; providing for the council to review  
13          and approve or disapprove the projects and to  
14          submit a list of approved projects to the  
15          specified state officials; providing for the  
16          Department of Community Affairs, the Department  
17          of Transportation, and the Office of Tourism,  
18          Trade, and Economic Development to review the  
19          list and make recommendations, as specified;  
20          providing for the council to develop bylaws;  
21          providing for council meetings; providing for  
22          per diem and reimbursement of travel expenses;  
23          allowing the council to hire an administrative  
24          staff and providing for payment of the staff;  
25          providing guidelines for expenditure of moneys  
26          derived from the SAFE program; providing  
27          exemptions to the guidelines; providing for  
28          monitoring project funding; amending s.  
29          206.606, F.S.; providing for funding the SAFE  
30          Program through the State Transportation Trust  
31          Fund; providing for uses of the funds;

1 providing for revenue bonds; providing  
2 guidelines for entities created under s.  
3 163.01(7)(d), F.S.; providing limitations on  
4 the use of funds appropriated under this  
5 program; amending s. 215.98, F.S.; providing a  
6 limitation on the definition of the term "state  
7 debt"; providing an effective date.  
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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. This act may be cited as the "Secure  
12 Airports for Florida's Economy (SAFE) Act."

13 Section 2. Section 332.14, Florida Statutes, is  
14 created to read:

15 332.14 Secure Airports for Florida's Economy  
16 Council.--

17 (1) The Secure Airports for Florida's Economy Council,  
18 or SAFE Council, is created within the Department of  
19 Transportation. The council consists of 22 members, including  
20 the airport director, or the director's designee, of each of  
21 the following airports: Daytona Beach International Airport,  
22 Gainesville Regional Airport, Ft. Lauderdale-Hollywood  
23 International Airport, Jacksonville International Airport, Key  
24 West International Airport, Melbourne International Airport,  
25 Miami International Airport, Naples Municipal Airport,  
26 Okaloosa County Regional Airport, Orlando International  
27 Airport, Orlando-Sanford International Airport, Palm Beach  
28 County International Airport, Panama City-Bay County  
29 International Airport, Pensacola Regional Airport,  
30 Sarasota-Bradenton International Airport, Southwest Florida  
31 International Airport, St. Petersburg-Clearwater International

1 Airport, Tallahassee Regional Airport, and Tampa International  
2 Airport; the Secretary of Transportation or his or her  
3 designee; the director of the Office of Tourism, Trade, and  
4 Economic Development or his or her designee; and the Secretary  
5 of Community Affairs or his or her designee.

6 (2) The council shall prepare a 5-year SAFE Master  
7 Plan that defines the goals and objectives of the council  
8 concerning the development of airport facilities and an  
9 intermodal transportation system consistent with the goals of  
10 the Florida Transportation Plan developed under s. 339.155.

11 The SAFE Master Plan must include specific recommendations  
12 for:

13 (a) The acquisition and construction of transportation  
14 facilities connecting any airport to another mode of  
15 transportation; and

16 (b) The acquisition and construction of transportation  
17 facilities or airport facilities for the purpose of protecting  
18 the safety and security of passengers and cargo, enhancing  
19 international trade, promoting cargo flow, increasing  
20 enplanements, increasing airport revenues, and providing  
21 economic benefits to the state. The council shall update the  
22 5-year SAFE Master Plan annually and shall submit the plan by  
23 February 1 of each year to the President of the Senate, the  
24 Speaker of the House of Representatives, the Office of  
25 Tourism, Trade, and Economic Development, the Department of  
26 Transportation, and the Department of Community Affairs. The  
27 council shall develop programs, based on an examination of  
28 existing programs in this state and other states, for the  
29 training of minorities and secondary-school students in job  
30 skills associated with employment opportunities in the  
31 aviation industry, and shall annually report to the President

1 of the Senate and the Speaker of the House of Representatives  
2 on progress and recommendations for further action.

3 (3) The council shall adopt rules for evaluating  
4 projects that qualify for funding under this act. The rules  
5 must provide criteria for evaluating the economic benefit of  
6 the project, measured by the potential for the proposed  
7 project to maintain or increase airport security or  
8 enplanements, cargo flow, international commerce, airport  
9 revenues, and the number of jobs for the local community near  
10 the airport. The council shall make a reasonable effort to  
11 apportion 26 percent of the grants awarded pursuant to this  
12 act among the general aviation airports and 74 percent among  
13 the airports listed in subsection (1).

14 (4) The council shall review and approve or disapprove  
15 each project eligible to be funded under the SAFE Program. The  
16 council shall annually submit to the Secretary of  
17 Transportation, the director of the Office of Tourism, Trade,  
18 and Economic Development, and the Secretary of Community  
19 Affairs a list of projects that have been approved by the  
20 council. The list must specify the recommended funding levels  
21 for each project, and, if staged implementation of the project  
22 is appropriate, the funding requirements for each stage must  
23 be specified.

24 (5) The Department of Community Affairs shall review  
25 the list of projects approved by the council to determine  
26 consistency with approved local government comprehensive plans  
27 of the units of local government in which the airport is  
28 located and consistency with the airport master plan. The  
29 Department of Community Affairs shall identify and notify the  
30 council of those projects that are not consistent, to the  
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1 maximum extent feasible, with such comprehensive plans and  
2 airport master plans.

3 (6) The Department of Transportation shall review the  
4 list of projects approved by the council for consistency with  
5 the Florida Transportation Plan and the adopted work program  
6 of the department. In evaluating the consistency of a project,  
7 the department shall determine whether the transportation  
8 impact of the proposed project is adequately handled by  
9 existing state-owned transportation facilities or by the  
10 construction of additional state-owned transportation  
11 facilities as identified in the Florida Transportation Plan  
12 and the adopted work program of the department. In reviewing  
13 for consistency a transportation facility project as defined  
14 in s. 334.03(31) which is not otherwise part of the work  
15 program of the department, the department shall evaluate  
16 whether the project is needed to provide for projected  
17 movement of cargo or passengers from the airport to a state  
18 transportation facility or local road. If the project is  
19 needed to provide for projected movement of cargo or  
20 passengers, the project must be approved for consistency as a  
21 consideration to facilitate the economic development and  
22 growth of the state in a timely manner. The Department of  
23 Transportation shall identify then those projects that are  
24 inconsistent with the Florida Transportation Plan and the  
25 adopted work program and shall notify the council of projects  
26 that are found to be inconsistent.

27 (7) The Office of Tourism, Trade, and Economic  
28 Development, in consultation with Enterprise Florida, Inc.,  
29 shall review the list of projects approved by the council to  
30 evaluate the economic benefit of the project and to determine  
31 whether the project is consistent with the SAFE Master Plan.

1 The Office of Tourism, Trade, and Economic Development shall  
2 review the economic benefits of each project based upon the  
3 rules adopted under subsection (3). The Office of Tourism,  
4 Trade, and Economic Development shall identify those projects  
5 that it has determined do not offer an economic benefit to the  
6 state or are not consistent with the SAFE Mater Plan and shall  
7 notify the council of its findings.

8 (8) The council shall review the findings of the  
9 Department of Community Affairs, the Office of Tourism, Trade,  
10 and Economic Development, and the Department of  
11 Transportation. Projects found to be inconsistent pursuant to  
12 subsections (5), (6), and (7) and projects that have been  
13 determined not to offer an economic benefit to the state  
14 pursuant to subsection (7) may not be included in the list of  
15 projects to be funded.

16 (9) The council shall adopt bylaws governing the  
17 manner in which the business of the council will be conducted.  
18 The bylaws shall specify the procedure by which the  
19 chairperson of the council is elected. The council shall meet  
20 at the call of its chairperson, at the request of a majority  
21 of its membership, or at such times as are prescribed in its  
22 bylaws. However, the council must meet at least semiannually.  
23 A majority of voting members of the council constitutes a  
24 quorum for the purpose of transacting the business of the  
25 council. All members of the council are voting members. A vote  
26 of the majority of the voting members present is sufficient  
27 for any action of the council, except that a member  
28 representing the Department of Transportation, the Department  
29 of Community Affairs, or the Office of Tourism, Trade, and  
30 Economic Development may vote to overrule any action of the  
31 council approving a project pursuant to subsection (4). The

1 bylaws of the council may require a greater vote for a  
2 particular action.

3 (10) Members of the council shall serve without  
4 compensation but are entitled to reimbursement for per diem  
5 and travel expenses as provided in s. 112.061. The council may  
6 elect to hire an administrative staff to provide services to  
7 the council on matters relating to the SAFE Program and the  
8 council. All of the airports that receive funding from the  
9 SAFE Program shall pay, pro rata, for the administrative  
10 services, using a formula measured by each recipient's share  
11 of the funds as compared to the total funds disbursed to all  
12 recipients during the year. The share of costs for  
13 administrative services must be paid in full by the recipient  
14 airport upon execution by the airport and the Department of  
15 Transportation of a joint participation agreement for each  
16 council-approved project, and such payment is in addition to  
17 the matching funds that the recipient airport is required to  
18 pay. Except as otherwise exempted by law, all moneys derived  
19 from the SAFE Program must be expended in accordance with s.  
20 287.057. Airports subject to competitive negotiation  
21 requirements of a local governing body are exempt from this  
22 requirement.

23 (11) Project funding expended pursuant to this act  
24 shall be monitored for compliance with all applicable laws by  
25 a person chosen by the council and approved by the Division of  
26 Bond Finance. The monitor shall make periodic reports to the  
27 council and the Division as necessary, but at least  
28 semiannually.

29 Section 3. Section 206.606, Florida Statutes, is  
30 amended to read:

31 206.606 Distribution of certain proceeds.--

1           (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
2 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
3 Trust Fund. Such moneys, after deducting the service charges  
4 imposed by s. 215.20, the refunds granted pursuant to s.  
5 206.41, and the administrative costs incurred by the  
6 department in collecting, administering, enforcing, and  
7 distributing the tax, which administrative costs may not  
8 exceed 2 percent of collections, shall be distributed monthly  
9 to the State Transportation Trust Fund, except that:

10           (a) \$6.30 million shall be transferred to the  
11 Department of Environmental Protection in each fiscal year and  
12 deposited in the Invasive Plant Control Trust Fund to be used  
13 for aquatic plant management, including nonchemical control of  
14 aquatic weeds, research into nonchemical controls, and  
15 enforcement activities. Beginning in fiscal year 1993-1994,  
16 the department shall allocate at least \$1 million of such  
17 funds to the eradication of melaleuca.

18           (b) \$2.5 million shall be transferred to the State  
19 Game Trust Fund in the Fish and Wildlife Conservation  
20 Commission in each fiscal year and used for recreational  
21 boating activities, and freshwater fisheries management and  
22 research. The transfers must be made in equal monthly amounts  
23 beginning on July 1 of each fiscal year. The commission shall  
24 annually determine where unmet needs exist for boating-related  
25 activities, and may fund such activities in counties where,  
26 due to the number of vessel registrations, sufficient  
27 financial resources are unavailable.

28           1. A minimum of \$1.25 million shall be used to fund  
29 local projects to provide recreational channel marking, public  
30 launching facilities, aquatic plant control, and other local  
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1 boating related activities. In funding the projects, the  
2 commission shall give priority consideration as follows:

3 a. Unmet needs in counties with populations of 100,000  
4 or less.

5 b. Unmet needs in coastal counties with a high level  
6 of boating related activities from individuals residing in  
7 other counties.

8 2. The remaining \$1.25 million may be used for  
9 recreational boating activities and freshwater fisheries  
10 management and research.

11 3. The commission is authorized to adopt rules  
12 pursuant to ss. 120.536(1) and 120.54 to implement a Florida  
13 Boating Improvement Program similar to the program  
14 administered by the Department of Environmental Protection and  
15 established in rules 62D-5.031 - 62D-5.036, Florida  
16 Administrative Code, to determine projects eligible for  
17 funding under this subsection.

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19 On February 1 of each year, the commission shall file an  
20 annual report with the President of the Senate and the Speaker  
21 of the House of Representatives outlining the status of its  
22 Florida Boating Improvement Program, including the projects  
23 funded, and a list of counties whose needs are unmet due to  
24 insufficient financial resources from vessel registration  
25 fees.

26 (c) 0.65 percent of moneys collected pursuant to s.  
27 206.41(1)(g) shall be transferred to the Agricultural  
28 Emergency Eradication Trust Fund.

29 (d) Notwithstanding any other provision of law except  
30 subsections (1) and (2), on July 1, 2003, and annually  
31 thereafter, \$20 million shall be deposited in the State

1 Transportation Trust solely for the purposes of funding the  
2 SAFE Program. These funds must be distributed on a 50-50  
3 matching basis to any airport listed in s. 332.14, to be used  
4 for funding projects as described in that section; however,  
5 funding for projects that assure safety and security for  
6 passengers, cargo, and airport property requires a 25 percent  
7 match of funds received by an airport from the program for  
8 such a project. These funds may be assigned, pledged, or set  
9 aside as a trust for the payment of principal or interest on  
10 bonds, tax anticipation certificates, or any other form of  
11 indebtedness issued by an individual airport or appropriate  
12 local government having jurisdiction thereof, or collectively  
13 by interlocal agreement among any of the airports, or may be  
14 used to purchase credit support to permit such borrowings. If  
15 these funds are pledged or assigned to the payment of bonds or  
16 other forms of indebtedness issued by an entity under s.  
17 163.01(7)(d) as authorized in this paragraph, such revenues  
18 must be transferred to the trustee for such bonds or  
19 indebtedness 60 days before each principal payment date or  
20 interest payment date. Interest on the funds held by the  
21 trustee may be used to pay administrative costs of the  
22 financing program or to pay interest on the bonds or  
23 indebtedness. However, such debt does not constitute a general  
24 obligation of the State of Florida. The state does hereby  
25 covenant with holders of these revenue bonds or other  
26 instruments of indebtedness issued hereunder that it will not  
27 repeal or impair or amend in any manner which will materially  
28 and adversely affect the rights of such holders so long as  
29 bonds or other indebtedness authorized by this section are  
30 outstanding. Any funds that are not pledged to the repayment  
31 of bonds as authorized by this section may be used for

1 purposes authorized under the SAFE Program. This revenue  
2 source is in addition to any amounts provided for and  
3 appropriated in accordance with s. 206.46(3). The SAFE Council  
4 shall approve distribution of funds to airports for projects  
5 that have been approved pursuant to s. 331.30. The council and  
6 the Department of Transportation shall perform such acts as  
7 are required to facilitate and implement this subsection. To  
8 better enable the airports to cooperate to their mutual  
9 advantage, the governing bodies of the airports or appropriate  
10 local governments having jurisdiction thereof may exercise  
11 powers provided to municipalities or counties in s.  
12 163.01(7)(d). Any entity created pursuant to s. 163.01(7)(d)  
13 must consist of five members. One member must be located in  
14 each of the following geographic areas: northwestern Florida,  
15 northeastern Florida, central Florida, southeastern Florida,  
16 and the west coast of Florida. One of the five members must be  
17 an airport or local government with jurisdiction over an  
18 airport that in calendar year 2001 did not have more than  
19 200,000 commercial enplanements. The uses of funds provided  
20 under this subsection are limited to eligible projects listed  
21 in this subsection. Income derived from a project completed  
22 with the use of program funds, beyond operating costs and debt  
23 service, may be used only to further airport capital  
24 improvements consistent with aviation purposes. Use of such  
25 income for nonaviation purposes is prohibited.

26 (2) Not less than 10 percent of the moneys deposited  
27 in the State Transportation Trust Fund pursuant to this  
28 section shall be allocated by the Department of Transportation  
29 for public transit and rail capital projects, including  
30 service development projects, as defined in s. 341.031(7) and  
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1 (8), unless otherwise provided in the General Appropriations  
2 Act.

3 Section 4. Subsection (2) of section 215.98, Florida  
4 Statutes, is amended to read:

5 215.98 State debt fiscal responsibility.--

6 (2) The Division of Bond Finance shall conduct a debt  
7 affordability analysis each year. Proposed capital projects  
8 that require funding by the issuance of additional state debt  
9 shall be evaluated on the basis of the analysis to assist the  
10 Governor and the Legislature in setting priorities among  
11 capital projects and related appropriations. The term "state  
12 debt" does not include debt issued by a municipality, a  
13 county, a water management district, or an entity created  
14 pursuant to s. 163.01(7)(d).

15 (a) The Division of Bond Finance shall annually  
16 prepare a debt affordability report, to be presented to the  
17 governing board of the Division of Bond Finance, the President  
18 of the Senate, the Speaker of the House of Representatives,  
19 and the chair of each appropriations committee by December 15  
20 of each year, for purposes of providing a framework for the  
21 Legislature to evaluate and establish priorities for bills  
22 that propose the authorization of additional state debt during  
23 the next budget year.

24 (b) The report shall include, but not be limited to:

25 1. A listing of state debt outstanding, other debt  
26 secured by state revenues, and other contingent debt.

27 2. An estimate of revenues available for the next 10  
28 fiscal years to pay debt service, including general revenues  
29 plus any revenues specifically pledged to pay debt service.

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1           3. An estimate of additional debt issuance for the  
2 next 10 fiscal years for the state's existing borrowing  
3 programs.

4           4. A schedule of the annual debt service requirements,  
5 including principal and interest allocation, on the  
6 outstanding state debt and an estimate of the annual debt  
7 service requirements on the debt included in subparagraph 3.  
8 for each of the next 10 fiscal years.

9           5. An overview of the state's general obligation  
10 credit rating.

11           6. Identification and calculation of pertinent debt  
12 ratios, including, but not limited to, debt service to  
13 revenues available to pay debt service, debt to personal  
14 income, and debt per capita for the state's net tax-supported  
15 debt.

16           7. The estimated debt capacity available over the next  
17 10 fiscal years without the benchmark debt ratio of debt  
18 service to revenue exceeding 6 percent.

19           8. A comparison of the debt ratios prepared for  
20 subparagraph 6., with the comparable debt ratios for the 10  
21 most populous states.

22           (c) The Division of Bond Finance shall prepare an  
23 update of the report set forth above upon completion of the  
24 revenue estimates prepared in connection with the legislative  
25 session.

26           (d) Any entity issuing debt secured by state revenues  
27 shall provide the information necessary to prepare the debt  
28 affordability report.

29           Section 5. This act shall take effect upon becoming a  
30 law.

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SENATE SUMMARY

Creates the "Secure Airports for Florida's Economy (SAFE) Act." Creates the Secure Airports for Florida's Economy Council, or SAFE Council, within the Department of Transportation. Requires the council to prepare a 5-year SAFE Master Plan for developing airport facilities and an intermodal transportation system. Provides for funding of projects to maintain or increase airport security and achieve related goals. Provides for issuing revenue bonds.(See bill for details.)