

By the Committee on Transportation; and Senator Sebesta

306-2275-03

1                                   A bill to be entitled  
2           An act relating to aviation; creating s.  
3           332.14, F.S., the Secure Airports for Florida's  
4           Economy (SAFE) Act; creating the SAFE Council;  
5           specifying membership and duties; directing the  
6           council to produce a 5-year Master Plan of  
7           eligible projects; specifying project purposes;  
8           providing for annual plan updates and  
9           submission of plan; directing the Department of  
10          Transportation, the Department of Community  
11          Affairs, and the Office of Tourism, Trade, and  
12          Economic Development to serve on the council  
13          and to evaluate the project proposals on  
14          specific criteria; allowing the council to  
15          expend federal, state, local, and private funds  
16          on projects, as appropriate and subject to  
17          legislative approval; providing for staff;  
18          requiring monitoring; amending s. 332.007,  
19          F.S.; authorizing airports to expend certain  
20          funds for security purposes through a specified  
21          date; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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

27           Section 2. Section 332.14, Florida Statutes, is  
28 created to read:

29           332.14 Secure Airports for Florida's Economy  
30 Council.--

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1           (1) The Secure Airports for Florida's Economy (SAFE)  
2 Council is created within the Department of Transportation.  
3 The council shall consist of the following members: the  
4 airport director, or the airport director's designee, of each  
5 of the following airports: Daytona Beach International  
6 Airport, Gainesville Regional Airport, Ft.  
7 Lauderdale-Hollywood International Airport, Jacksonville  
8 International Airport, Key West International Airport,  
9 Melbourne International Airport, Miami International Airport,  
10 Naples Municipal Airport, Okaloosa County Regional Airport,  
11 Orlando International Airport, Orlando-Sanford International  
12 Airport, Palm Beach County International Airport, Panama  
13 City-Bay County International Airport, Pensacola Regional  
14 Airport, Sarasota-Bradenton International Airport, Southwest  
15 Florida International Airport, St. Petersburg-Clearwater  
16 International Airport, Tallahassee Regional Airport, and Tampa  
17 International Airport; the executive directors of two general  
18 aviation airports appointed by the Florida Airports Council;  
19 the Secretary of Transportation or his or her designee; the  
20 director of the Office of Tourism, Trade, and Economic  
21 Development or his or her designee; the Secretary of Community  
22 Affairs or his or her designee; a representative of the  
23 general aviation industry appointed by the Florida Aviation  
24 Trades Association; and a representative of the airline  
25 industry appointed by the Air Transport Association.  
26           (2) The council shall prepare a 5-year SAFE Master  
27 Plan defining the goals and objectives of the council  
28 concerning the development of airport facilities and an  
29 intermodal transportation system consistent with the goals of  
30 the Florida Transportation Plan developed pursuant to s.  
31

1 339.155. The SAFE Master Plan shall include specific  
2 recommendations for:

3 (a) The acquisition and construction of transportation  
4 facilities connecting any airport to another transportation  
5 mode; and

6 (b) The acquisition and construction of transportation  
7 facilities or airport facilities for the purpose of protecting  
8 the safety and security of passengers and cargo, enhancing  
9 international trade, promoting cargo flow, increasing  
10 enplanements, increasing airport revenues, and providing  
11 economic benefits to the state. The council shall update the  
12 5-year SAFE Master Plan annually and shall submit the plan no  
13 later than February 1 of each year to the President of the  
14 Senate; the Speaker of the House of Representatives; the  
15 Office of Tourism, Trade, and Economic Development; the  
16 Department of Transportation; and the Department of Community  
17 Affairs. The council shall develop programs, based on an  
18 examination of existing programs in Florida and other states,  
19 for the training of minorities and secondary school students  
20 in job skills associated with employment opportunities in the  
21 aviation industry, and report on progress and recommendations  
22 for further action to the President of the Senate and the  
23 Speaker of the House of Representatives annually.

24 (3) The council may use, as appropriate and with  
25 legislative spending authorization, any federal, state, and  
26 local-government contributions, as well as private donations,  
27 to fund its master mission plan projects.

28 (4) The council shall adopt rules for evaluating  
29 projects that may be funded under this act. The rules shall  
30 provide criteria for evaluating the economic benefit of the  
31 project, measured by the potential for the proposed project to

1 maintain or increase airport security or enplanements, cargo  
2 flow, international commerce, airport revenues, and the number  
3 of jobs for the airport's local community.

4 (5) The council shall review and approve or disapprove  
5 each project eligible to be funded pursuant to the SAFE  
6 Program. The council shall annually submit to the Secretary of  
7 Transportation; the director of the Office of Tourism, Trade,  
8 and Economic Development; and the Secretary of Community  
9 Affairs a list of projects that have been approved by the  
10 council. The list shall specify the recommended funding level  
11 for each project, and, if staged implementation of the project  
12 is appropriate, the funding requirements for each stage shall  
13 be specified.

14 (6) The Department of Community Affairs shall review  
15 the list of projects approved by the council to determine  
16 consistency with approved local government comprehensive plans  
17 of the units of local government in which each airport is  
18 located and consistency with the airport master plan. The  
19 Department of Community Affairs shall identify and notify the  
20 council of those projects that are not consistent, to the  
21 maximum extent feasible, with such comprehensive plans and  
22 airport master plans.

23 (7) The Department of Transportation shall review the  
24 list of projects approved by the council for consistency with  
25 the Florida Transportation Plan and the department's adopted  
26 work program. In evaluating the consistency of a project, the  
27 department shall determine whether the transportation impact  
28 of the proposed project is adequately handled by existing  
29 state-owned transportation facilities or by the construction  
30 of additional state-owned transportation facilities as  
31 identified in the Florida Transportation Plan and the

1 department's adopted work program. In reviewing for  
2 consistency a transportation facility project as defined in s.  
3 334.03(31) which is not otherwise part of the department's  
4 work program, the department shall evaluate whether the  
5 project is needed to provide for projected movement of cargo  
6 or passengers from the airport to a state transportation  
7 facility or local road. If the project is needed to provide  
8 for projected movement of cargo or passengers, the project  
9 shall be approved for consistency as a consideration to  
10 facilitate the economic development and growth of the state in  
11 a timely manner. The Department of Transportation shall  
12 identify those projects that are inconsistent with the Florida  
13 Transportation Plan and the adopted work program and shall  
14 notify the council of projects found to be inconsistent.

15 (8) The Office of Tourism, Trade, and Economic  
16 Development, in consultation with Enterprise Florida, Inc.,  
17 shall review the list of projects approved by the council to  
18 evaluate the economic benefit of the project and to determine  
19 whether the project is consistent with the SAFE Master Plan.  
20 The Office of Tourism, Trade, and Economic Development shall  
21 review the economic benefits of each project based upon the  
22 rules adopted pursuant to subsection (4). The Office of  
23 Tourism, Trade, and Economic Development shall identify those  
24 projects that it has determined do not offer an economic  
25 benefit to the state or are not consistent with the SAFE  
26 Master Plan and shall notify the council of its findings.

27 (9) The council shall review the findings of the  
28 Department of Community Affairs; the Office of Tourism, Trade,  
29 and Economic Development; and the Department of  
30 Transportation. Projects found to be inconsistent pursuant to  
31 subsections (6), (7), and (8) and projects that have been

1 determined not to offer an economic benefit to the state  
2 pursuant to subsection (8) shall not be included in the list  
3 of projects to be funded.

4 (10) The council shall adopt bylaws governing the  
5 manner in which the business of the council shall be  
6 conducted. The bylaws shall specify the procedure by which the  
7 chairperson of the council is elected. The council shall meet  
8 at the call of its chairperson, at the request of a majority  
9 of its membership, or at such times as may be prescribed in  
10 its bylaws. However, the council must meet at least  
11 semiannually. A majority of voting members of the council  
12 constitutes a quorum for the purpose of transacting the  
13 business of the council. All members of the council are voting  
14 members. A vote of the majority of the voting members present  
15 is sufficient for any action of the council, except that a  
16 member representing the Department of Transportation, the  
17 Department of Community Affairs, or the Office of Tourism,  
18 Trade, and Economic Development may vote to overrule any  
19 action of the council approving a project pursuant to  
20 subsection (5). The bylaws of the council may require a  
21 greater vote for a particular action.

22 (11) Members of the council shall serve without  
23 compensation but are entitled to receive reimbursement for per  
24 diem and travel expenses as provided in s. 112.061. The  
25 council may elect to provide an administrative staff to  
26 provide services to the council on matters relating to the  
27 SAFE Program and the council. The cost for such administrative  
28 services shall be paid by all airports that receive funding  
29 from the SAFE Program, based upon a pro rata formula measured  
30 by each recipient's share of the funds as compared to the  
31 total funds disbursed to all recipients during the year. The

1 share of costs for administrative services shall be paid in  
2 its total amount by the recipient airport upon execution by  
3 the airport and the Department of Transportation of a joint  
4 participation agreement for each council-approved project, and  
5 such payment is in addition to the matching funds required to  
6 be paid by the recipient airport. Except as otherwise exempted  
7 by law, all moneys derived from the SAFE Program shall be  
8 expended in accordance with the provisions of s. 287.057.  
9 Airports subject to competitive negotiation requirements of a  
10 local governing body shall be exempt from this requirement.

11 (12) Project funding expended pursuant to this act  
12 shall be monitored for compliance with all applicable laws.

13 Section 3. Subsection (8) of section 332.007, Florida  
14 Statutes, is amended to read:

15 332.007 Administration and financing of aviation and  
16 airport programs and projects; state plan.--

17 (8) Notwithstanding any other provision of law to the  
18 contrary, the department is authorized to provide operational  
19 and maintenance assistance to publicly owned public-use  
20 airports. Such assistance shall be to comply with enhanced  
21 federal security requirements or to address related economic  
22 impacts from the events of September 11, 2001. For projects in  
23 the current adopted work program, or projects added using the  
24 available budget of the department, airports may request the  
25 department change the project purpose in accordance with this  
26 provision notwithstanding the provisions of s. 339.135(7). For  
27 purposes of this subsection, the department may fund up to 100  
28 percent of eligible project costs that are not funded by the  
29 Federal Government. Prior to releasing any funds under this  
30 section, the department shall review and approve the  
31 expenditure plans submitted by the airport. The department

1 shall inform the Legislature of any change that it approves  
2 under this subsection. This subsection shall expire on June  
3 30, 2007 ~~2004~~.

4 Section 4. This act shall take effect upon becoming a  
5 law.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 Senate Bill 2578

10 The CS provides additional membership on the SAFE Council for:  
11 The executive directors of two general aviation airports,  
12 appointed by the Florida Airports Council; a representative of  
13 the general aviation industry appointed by the Florida  
14 Aviation Trades Association; and a representative of the  
15 airline industry appointed by the Air Transport Association.  
16 The CS also removes the \$20 million appropriation, and  
17 associated conforming provisions.  
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