

By the Committees on Home Defense, Public Security, and Ports; Transportation; and Senator Sebesta

318-2466-03

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 Law
11 Enforcement, the Department of Community
12 Affairs, and the Office of Tourism, Trade, and
13 Economic Development to serve on the council
14 and to evaluate the project proposals on
15 specific criteria; allowing the council to
16 expend federal, state, local, and private funds
17 on projects, as appropriate and subject to
18 legislative approval; providing for staff;
19 requiring monitoring; amending s. 332.007,
20 F.S.; authorizing airports to expend certain
21 funds for security purposes through a specified
22 date; providing an effective date.

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

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

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

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

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 executive director of the Department of Law Enforcement or his
21 or her designee; the director of the Office of Tourism, Trade,
22 and Economic Development or his or her designee; the Secretary
23 of Community Affairs or his or her designee; a representative
24 of the general aviation industry appointed by the Florida
25 Aviation Trades Association; and a representative of the
26 airline industry appointed by the Air Transport Association.
27 (2) The council shall prepare a 5-year SAFE Master
28 Plan defining the goals and objectives of the council
29 concerning the development of airport facilities and an
30 intermodal transportation system consistent with the goals of
31 the Florida Transportation Plan developed pursuant to s.

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; the Department of Law
17 Enforcement; and the Department of Community Affairs. The
18 council shall develop programs, based on an examination of
19 existing programs in Florida and other states, for the
20 training of minorities and secondary school students in job
21 skills associated with employment opportunities in the
22 aviation industry, and report on progress and recommendations
23 for further action to the President of the Senate and the
24 Speaker of the House of Representatives annually.

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

29 (4) The council shall adopt rules for evaluating
30 projects that may be funded under this act. The rules shall
31 provide criteria for evaluating the economic benefit of the

1 project, measured by the potential for the proposed project to
2 maintain or increase airport security or enplanements, cargo
3 flow, international commerce, airport revenues, and the number
4 of jobs for the airport's local community.

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

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

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

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

17 (8) The Department of Law Enforcement shall review the
18 list of projects approved by the council for consistency with
19 domestic security provisions of ss. 943.03101, 943.0311, and
20 943.0312. The Department of Law Enforcement shall identify
21 those projects that it has determined are inconsistent with
22 the state's strategic plan for domestic security and shall
23 notify the council of its findings.

24 (9) The Office of Tourism, Trade, and Economic
25 Development, in consultation with Enterprise Florida, Inc.,
26 shall review the list of projects approved by the council to
27 evaluate the economic benefit of the project and to determine
28 whether the project is consistent with the SAFE Master Plan.
29 The Office of Tourism, Trade, and Economic Development shall
30 review the economic benefits of each project based upon the
31 rules adopted pursuant to subsection (4). The Office of

1 Tourism, Trade, and Economic Development shall identify those
2 projects that it has determined do not offer an economic
3 benefit to the state or are not consistent with the SAFE
4 Master Plan and shall notify the council of its findings.

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

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

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

21 (13) Project funding expended pursuant to this act
22 shall be monitored for compliance with all applicable laws.

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

25 332.007 Administration and financing of aviation and
26 airport programs and projects; state plan.--

27 (8) Notwithstanding any other provision of law to the
28 contrary, the department is authorized to provide operational
29 and maintenance assistance to publicly owned public-use
30 airports. Such assistance shall be to comply with enhanced
31 federal security requirements or to address related economic

1 impacts from the events of September 11, 2001. For projects in
2 the current adopted work program, or projects added using the
3 available budget of the department, airports may request the
4 department change the project purpose in accordance with this
5 provision notwithstanding the provisions of s. 339.135(7). For
6 purposes of this subsection, the department may fund up to 100
7 percent of eligible project costs that are not funded by the
8 Federal Government. Prior to releasing any funds under this
9 section, the department shall review and approve the
10 expenditure plans submitted by the airport. The department
11 shall inform the Legislature of any change that it approves
12 under this subsection. This subsection shall expire on June
13 30, 2007 ~~2004~~.

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 CS for Senate Bill 2578

20 Directs the Department of Law Enforcement to serve on the
21 Secure Airports for Florida's Economy Council and requires the
22 department to review projects approved by the council and
23 notify the council about projects that are inconsistent with
24 the state's strategic plan for domestic security.
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