

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Domestic Security Committee

BILL: CS/SB 1808

SPONSOR: Transportation Committee and Senator Campbell

SUBJECT: Regulation of Airports/Security Plans

DATE: April 14, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute (CS) requires certain general aviation airports to develop and periodically update a security plan consistent with certain Florida Airport Council (FAC) guidelines. The CS requires that an approved airport security plan be filed with the Department of Transportation. Without an approved security plan, an airport's license shall not be renewed or reissued. The Department of Law Enforcement shall receive certain administrative information from airport security plans for use in protecting critical state infrastructure.

This CS substantially amends section 330.30 of the Florida Statutes.

II. Present Situation:

All airports are regulated by the federal government to some extent. However, federal security regulations are limited to those airports providing scheduled commercial passenger service and certain charter services. General aviation includes the majority of the nation's aircraft fleet and is commonly defined as all flying except that relating to the scheduled airlines and the military. About 95% of the active civil aircraft in the United States are general aviation aircraft.

In Florida, the Department of Transportation's regulation of airports is limited to site approval, hazard regulation, and licensure for the operation of public airports, or the registration of private airports. Under these programs, the department conducts safety inspections to ensure that adequate area exists for flight operations, airports will comply with zoning regulations, and that safe air-traffic patterns can be maintained, taking into account all other airports within the vicinity.

In April 2003, the Transportation Security Administration (TSA) requested the Aviation Security Advisory Committee (ASAC) establish a working group made up of industry stakeholders to develop guidelines for security enhancements at the nation's privately and publicly owned and operated general aviation landing facilities. A listing of recommended guidelines or "best practices" was designed to establish non-regulatory standards for general aviation airport security. The recommendations, *Security Guidelines for General Aviation Airports*,¹ constitute a set of federally endorsed guidelines for enhancing airport security at general aviation facilities throughout the nation and are intended to provide general aviation airport owners, operators, and users with guidelines and recommendations that address aviation security concepts, technology, and enhancements. The primary purpose of the guidelines is to help prevent the unauthorized use of a general aviation aircraft in an act of terrorism against the United States. The recommendations are encompassed in the following areas:

- Personnel
- Aircraft
- Airports and Facilities
- Surveillance
- Security Procedures and Communications
- Specialty Operations

In 2004, the FAC adopted the recommendations of the TSA for use in Florida. Managers and operators of general aviation airports are encouraged to use the recommended guidelines to enhance the security of their respective facilities. Intrinsic in these recommended guidelines is the concept that general aviation airports are extremely diverse and appropriate security measures can be determined only after careful examination of each individual airport.

In January, 2002, a young pilot flew a single-engine aircraft into a high-rise building in downtown Tampa in what was later determined to be a suicide related incident. In the aftermath, the Department of Law Enforcement, through the Regional Domestic Security Task Forces, visited every general aviation and fixed base operation airport in the state to perform vulnerability assessments and provide best practices recommendations for security at those airports.

III. Effect of Proposed Changes:

The CS requires that the renewal or reissue of an airport license for certain general aviation airports be contingent upon the development and biennial updating of an approved security plan that meets the guidelines of the FAC. The bill allows the department to renew or reissue the license if it determines that the airport is working in good faith toward completion and filing of the plan.

Airports that are publicly or privately owned, that are open to the public, that have at least one runway greater than 4,999 feet in length, and those that do not host scheduled commercial passenger service or charter services regulated under 14 C.F.R. Part 139 are required to develop

¹ Transportation Security Administration, *Security Guidelines for General Aviation Airports*, Information Publication A-001, May 2004.

such a plan. According to the Department of Transportation's Aviation Office, these criteria apply to 45 general aviation airports in Florida.

Certain information from the security plans shall be submitted to the Department of Law Enforcement, in a prescribed format, for use in protecting critical state infrastructure.

Use of the *2004 Security Planning for General Aviation Airports* guidelines published by the Florida Airports Council is required for the development of general aviation airport security plans. The reference provides for current security information updates via a secure web site to be maintained by the Florida Airports Council.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private airports open to the public may incur some cost in developing a security plan. Because of the simplicity of the TSA and FAC guidelines, this cost is expected to be minimal. However, some airports may determine it is necessary to consult experts in developing the plan and therefore would incur the costs imposed by those experts. According to the Department of Transportation Aviation Database, only two privately-owned airports meet the criteria established in the CS.

C. Government Sector Impact:

Local governments operating public general aviation airports that are required to file a security plan under the provisions of this CS may incur some cost in developing a security plan. Because of the simplicity of the TSA and FAC guidelines, this cost is expected to be minimal. However, some airports may determine it is necessary to consult experts in developing the plan and therefore would incur the costs imposed by those experts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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