

House Bill No. 1833

An act relating to airport transportation facilities; creating s. 332.14, F.S.; creating the “Secure Airports for Florida’s Economy Act” or “SAFE Act”; creating the SAFE Council to recommend transportation facility projects to the Legislature; providing for membership, organization, and staff support; providing for a master plan of goals and objectives and specific project recommendations; providing for annual plan updates and submission of plan; providing for project review by the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development; providing criteria for such reviews; providing for certain costs and expenditure of described funds; providing for joint participation agreements to be executed by the airport and the Department of Transportation for projects; requiring monitoring; providing an effective date.

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

Section 1. Section 332.14, Florida Statutes, is created to read:

332.14 Secure Airports for Florida’s Economy Council.—

(1) This section shall be known by the popular name the “Secure Airports for Florida’s Economy Act” or the “SAFE Act.”

(2) The Secure Airports for Florida’s Economy (SAFE) Council is created within the Department of Transportation. The council shall consist of the following 27 members:

(a) The airport director, or his or her designee, of each of the following airports:

1. Daytona Beach International Airport.
2. Ft. Lauderdale-Hollywood International Airport.
3. Gainesville Regional Airport.
4. Jacksonville International Airport.
5. Key West International Airport.
6. Melbourne International Airport.
7. Miami International Airport.
8. Naples Municipal Airport.
9. Okaloosa County Regional Airport.
10. Orlando International Airport.

11. Orlando-Sanford International Airport.
12. Palm Beach County International Airport.
13. Panama City-Bay County International Airport.
14. Pensacola Regional Airport.
15. Sarasota-Bradenton International Airport.
16. Southwest Florida International Airport.
17. St. Petersburg-Clearwater International Airport.
18. Tallahassee Regional Airport.
19. Tampa International Airport.

(b) The executive directors of two general aviation airports appointed by the Florida Airports Council.

(c) The secretary of the Department of Transportation or his or her designee.

(d) The director of the Office of Tourism, Trade, and Economic Development or his or her designee.

(e) The secretary of the Department of Community Affairs or his or her designee.

(f) The Executive Director of the Department of Law Enforcement or his or her designee.

(g) A representative of the airline industry appointed by the Air Transport Association.

(h) A representative of the general aviation industry appointed by the Florida Aviation Trades Association.

(3) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to hire an administrative staff to provide services to the council on matters relating to the SAFE Act and the council.

(4) The council shall adopt bylaws governing the manner in which the business of the council will be conducted. The bylaws shall specify the procedure by which the chair of the council is elected. The council shall meet at the call of its chair, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least twice a year. All members of the council are voting members. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A vote of the majority of the members present is sufficient for any action of the council, except that a member representing the Department of Transportation, the Department

of Community Affairs, the Department of Law Enforcement, or the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to paragraph (7)(a). The bylaws of the council may require a greater vote for a particular action.

(5)(a) The council shall prepare a 5-year SAFE Master Plan defining the goals and objectives of the council concerning the development of airport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The SAFE Master Plan shall include specific recommendations for:

1. The acquisition and construction of transportation facilities connecting any airport to another transportation mode.

2. The acquisition and construction of transportation facilities or airport facilities for the purpose of protecting the safety and security of passengers and cargo, enhancing international trade, promoting cargo flow, increasing enplanements, increasing airport revenues, and providing economic benefits to the state.

(b) The council shall update the 5-year SAFE Master Plan annually and shall submit the plan, no later than February 1 of each year, to the President of the Senate, the Speaker of the House of Representatives, the Department of Transportation, the Department of Community Affairs, the Department of Law Enforcement, and the Office of Tourism, Trade, and Economic Development.

(6) The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the aviation industry. Annually, the council shall report on the progress of these programs and make recommendations for further action to the President of the Senate and the Speaker of the House of Representatives.

(7) The SAFE council may utilize, as appropriate and with legislative spending authorization, any federal, state, and local government contributions as well as private donations to fund SAFE Master Plan projects.

(a) The council shall adopt rules for evaluating projects which may be funded under this act. The rules shall provide criteria for evaluating the economic benefit of the project, measured by the potential for the proposed project to maintain or increase airport security, enplanements, cargo flow, international commerce, airport revenues, and the number of jobs for the airport's local community.

(b) The council shall review and approve or disapprove each project eligible to be funded pursuant to this act. The council shall annually submit a list of projects which have been approved by the council to the Secretary of Transportation, the Secretary of Community Affairs, the Executive Director of the Department of Law Enforcement, and the director of the Office of Tourism, Trade, and Economic Development. The list shall specify the recommended funding level for each project, and, if staged implementation of

the project is appropriate, the funding requirements for each stage shall be specified.

1. The Department of Community Affairs shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the airport is located and consistency with the airport master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and airport master plans.

2. The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31) which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the airport to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The department shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

3. The Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the SAFE Master Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to paragraph (a). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the SAFE Master Plan and shall notify the council of its findings.

4. The Department of Law Enforcement shall review the list of projects approved by the council for consistency with domestic security provisions of ss. 943.03101, s 943.0311, and 943.0312. The Department of Law Enforcement shall identify those projects that it has determined are inconsistent with the state's strategic plan for domestic security and shall notify the council of its findings.

(8) The council shall review the findings of the Department of Community Affairs, the Department of Law Enforcement, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development. Projects found to be inconsistent by the review process under subparagraphs

(7)(b)1.-4. and projects which have been determined not to offer an economic benefit to the state by the review process under subparagraph (7)(b)3. shall be removed from the list of projects to be funded.

(9) The cost for administrative services of the council shall be paid by all airports that receive funding under the SAFE Act, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient airport upon execution by the airport and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient airport.

(10) Except as otherwise exempted by law, all moneys derived from the SAFE programs shall be expended in accordance with the provisions of s. 287.057. Airports subject to competitive negotiation requirements of a local governing body are exempt from this requirement.

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

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor July 14, 2003.

Filed in Office Secretary of State July 14, 2003.