

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.)

BILL: SB 48-B
 SPONSOR: Senator Sebesta
 SUBJECT: Transportation
 DATE: October 24, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Fav/1 amendment
2.	_____	_____	RC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill is a shell bill traveling with an amendment.

II. Present Situation:

This bill is a shell bill traveling with an amendment.

III. Effect of Proposed Changes:

This bill is a shell bill traveling with an amendment.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation:

Present Situation:*Airport Funding*

Due to the events of September 11, 2001, Florida's airports are experiencing an increase in operating costs due to enhanced security requirements. Currently programmed state aviation funds could be used to offset these unanticipated airport operational expenses or to address related economic impacts; however, Florida law does not allow the Florida Department of Transportation (FDOT) to provide operational and maintenance assistance. FDOT has programmed \$84.3 million for airports in fiscal year 2001-2002, of which \$53.1 million has been committed. FDOT has programmed \$88 million for fiscal year 2002-2003, none of which has yet been committed. FDOT is also seeking to roll-forward \$31 million from the fiscal year 2000-2001.

Florida has 20 commercial service airports, a total of 131 public airports, and in excess of 230 privately operated airports, airparks, heliports and seaplane landing areas.

Airport Development of Regional Impacts

One element of Florida's growth-management law is special review of large-scale projects that have the potential for regional impacts. Airports are among the types of developments that must go through a "development of regional impact" (DRI) review prior to being built or expanded, pursuant to ss. 380.06 and 380.0651, F.S. The DRI review process allows the Department of

Community Affairs and regional boards to scrutinize an eligible project's impact on the health, safety and welfare of the citizenry, and to determine if it is consistent with the area's approved land-uses and comprehensive plans.

Airport Authorities

Individual airport authorities have been created by enactment of local bills in a number of counties. At last count, there are 29 airport authorities in Florida, but not all of them are active. Authority to create the individual airport authorities is derived from numerous local bills, the language of which can be found in various chapters of the Laws of Florida, but not the Florida Statutes. In addition, local governments operate many airports as a department or office within the local government structure. Miami-Dade County is constitutionally exempt from the local bill process.

Effects of Proposed Changes:

Airport Funding

Section 1 of the amendment would authorize the FDOT to provide operational and maintenance assistance to publicly owned public-use airports for the purpose of complying with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001. This section is repealed on June 30, 2003.

Airport Developments of Regional Impact

The amendment also requires certain airports to establish a noise-mitigation-project fund to acquire property to mitigate airport noise. Section 2 of the amendment directs any multi-county airport created as an independent special district which is subject to a DRI development order and which has conducted a noise study, to establish a \$7.5 million noise mitigation fund in fiscal year 2002, and to add another \$2.5 million in fiscal year 2004, to comply with a development-order commitment by the airport to acquire property, or otherwise mitigate noise impacts, in the surrounding area.

Airport Authorities

The amendment further creates ss. 332.201-332.211, F.S., the Florida Airport Authority Act. Key provisions of the Airport Authority Act are:

Any county which has a population of more than 2.1 million people is required to schedule a countywide referendum giving voters the opportunity to approve the creation of an airport authority. Based on 2000 U.S. Census figures, Miami-Dade County meets the population requirements.

Such an authority would have seven members, who must be permanent residents of the county they are representing. Two members would be appointed by the Governor (subject to confirmation by the state Senate); two would be appointed by the County Ethics Commission; one by the County Mayor; and two by the County Commission. The authority members would

elect from among their number the chairperson, and select a secretary and a treasurer who do not need to be authority members.

The authority would have the discretion to employ staff members and set the salaries for the following positions: executive director; executive secretary; counsel and legal staff; technical experts, consultants, and advisors; engineers and employees as it may require. It also may employ a fiscal agent, from among at least three persons or companies that submit sealed proposals. The authority must submit facility reports, audits and other reports required of special districts under Chapter 189, F.S., and it must notice its meetings and keep records, available to the public, of what transpired.

The authority would be empowered to sue and be sued, adopt a corporate seal, acquire and use any real or personal property in carrying out its purposes, make leases or lease-purchase agreements, establish and collect fees, rentals and charges for its services and facilities, borrow money, and issue bonds under the State Bond Act, Chapter 215, F.S. It also could accept grants from and enter into contracts with a federal, state, or county agency, and would have the power of eminent domain.

Any bonds pledging the full faith and credit of the State of Florida would have to be issued by the Board of Administration's Division of Bond Finance on behalf of the authority, upon express written consent of the board of county commissioners. The authority would be exempt from all state and local taxes except for the corporate tax pursuant to Chapter 220, F.S.

The provisions of this Act would not be applicable to a county in which an airport authority has been created by a general or special act of the Legislature, nor would its provisions apply to any county that has created its own airport authority. (WITH TITLE AMENDMENT)