

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: Transportation Committee

BILL: CS/SB 1808

SPONSOR: Transportation Committee and Senator Campbell

SUBJECT: Regulation of Airports/Security Plans

DATE: April 1, 2005

REVISED: 4/7/05

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Eichin	Meyer	TR	Fav/CS
2.		DS	
3.			
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5.			
6.			

I. Summary:

The Committee Substitute (CS) requires certain general aviation airports to develop a security plan. The CS prohibits the Florida Department of Transportation (FDOT) from approving an airport's security plan unless the plan is consistent with Florida Airport Council's (FAC) guidelines and meets the security needs of the airport. The FDOT is prohibited from renewing or reissuing certain general aviation airports' licenses if the airport has not filed an approved security plan or is not working in good faith to do so.

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, which is loosely defined as all flying except that of the scheduled airlines and the military, makes up most of the nation's air fleet. About 95% of the active civil aircraft in the United States are general aviation aircraft.

In Florida, FDOT'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 FDOT conducts safety inspections to ensure adequate area exists for flight operations, airports will comply with zoning regulations, and 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", 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. Their primary purpose 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 general aviation airports are extremely diverse and appropriate security measures can be determined only after careful examination of an individual airport.

III. Effect of Proposed Changes:

The CS makes the renewal of an airport license for particular airports contingent upon the development and biennial updating of a security plan that meets the recommendations of the FAC. Airports required to develop such a plan are those publicly or privately owned, are open to the public, have at least one runway greater than 4,999 feet in length, and not hosting scheduled commercial passenger service or charter services regulated under 14 C.F.R. Part 139. According to the FDOT Aviation Office, these criteria apply to 45 general aviation airports in Florida. The CS restricts FDOT from approving a general aviation airport's security plan unless the plan or biennial update to the plan is developed in accordance with the 2004 Security Planning for General Aviation Airports guidelines published by the FAC, and is sufficient to meet the security needs of the particular airport. Certain information from the security plans will be submitted to the Florida Department of Law Enforcement (FDLE) for use in protecting critical infrastructure. FDOT is prohibited from renewing an airport license or registration of any airport required to file a security plan under the provisions of the CS, unless that airport files an approved security plan or update or is working in good faith to do so.

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 FDOT Aviation Database, only two privately-owned airports meet the criteria established in the CS – the Indiantown airport and the Miami Seaplane Base.

C. Government Sector Impact:

Local governments operating public general aviation airports 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.

VIII. Summary of Amendments:

None.

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