

531-172AXB-32-01

Bill No. CS for SB 2540, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Futch offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Paragraph (d) of subsection (3) of section 330.30, Florida Statutes, 1998 Supplement, is amended to read:

330.30 Approval of airport sites and licensing of airports; fees.--

(3) EXEMPTIONS.--The provisions of this section do not apply to:

(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the Spaceport Florida Authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.

Section 2. Subsection (25) is added to section 331.303, Florida Statutes, to read:

331.303 Definitions.--

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1           (25) "Spaceport discretionary capacity improvement  
2 projects" means capacity improvements that enhance space  
3 transportation capacity at spaceports that have had one or  
4 more orbital or suborbital flights during the previous  
5 calendar year or have an agreement in writing for installation  
6 of one or more regularly scheduled orbital or suborbital  
7 flights upon the commitment of funds for stipulated spaceport  
8 capital improvements.

9           Section 3. Section 331.304, Florida Statutes, is  
10 amended to read:

11           331.304 Spaceport territory.--The following property  
12 shall constitute spaceport territory:

13           (1) Certain real property located in Brevard County  
14 that is included within the 1998 boundaries of Patrick Air  
15 Force Base, Cape Canaveral Air Station, John F. Kennedy Space  
16 Center.~~with the following boundaries:~~

17           ~~(a) Northern boundary--Latitude 28°32'30" North.~~

18           ~~(b) Eastern boundary--The mean high water line of the~~  
19 ~~shore along the Atlantic Ocean.~~

20           ~~(c) Western boundary--Cape Road (State Road 401).~~

21           ~~(d) Southern boundary--Latitude 28°26' North.~~

22           (2) Certain real property located in Gulf County with  
23 the following boundaries:

24           (a) Northern boundary--Latitude 29°40'45" North from  
25 longitude 85°20' West in a westerly direction to the mean high  
26 water line of the Gulf of Mexico.

27           (b) Eastern boundary--Longitude 85°20' West.

28           (c) Western boundary--The mean high water line of the  
29 shore along the Gulf of Mexico.

30           (d) Southern boundary--The mean high water line of the  
31 shore along the Gulf of Mexico.

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1           (3) Certain real property located in Santa Rosa,  
2 Okaloosa, and Walton Counties which is included within the  
3 1997 boundaries of Eglin Air Force Base.

4           Section 4. Section 331.360, Florida Statutes, is  
5 amended to read:

6           331.360 Joint project agreement or assistance.--

7           (1) It shall be the duty, function, and responsibility  
8 of the Department of Transportation to promote the further  
9 development and improvement of aerospace transportation  
10 facilities, to address intermodal requirements and impacts of  
11 the launch ranges, spaceports, and other space transportation  
12 facilities, to assist in the development of joint-use  
13 facilities and technology that support aviation and aerospace  
14 operations, and to facilitate and promote cooperative efforts  
15 between federal and state government entities to improve space  
16 transportation capacity and efficiency. In carrying out this  
17 duty and responsibility, the department may assist and advise,  
18 cooperate with, and coordinate with federal, state, local, or  
19 private organizations and individuals. The department may  
20 administratively house its space transportation  
21 responsibilities within an existing division or office.

22           (2) Notwithstanding any other provision of law, the  
23 Department of Transportation may enter into a joint project  
24 agreement with, or otherwise assist, the Spaceport Florida  
25 Authority as necessary to effectuate the provisions of this  
26 chapter and may allocate funds for such purposes in its 5-year  
27 work program. However, the department may not fund the  
28 administrative or operational costs of the authority.

29           (3) The authority shall develop a spaceport master  
30 plan for expansion and modernization of space transportation  
31 facilities within spaceport territories as defined in s.

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1 331.303(22). The plan shall contain recommended projects to  
2 meet current and future commercial, national, and state space  
3 transportation requirements. The authority shall submit the  
4 plan to any appropriate M.P.O. for review of intermodal  
5 impacts. The authority shall submit the spaceport master plan  
6 to the Department of Transportation and such plan may be  
7 included within the department's 5-year work program of  
8 qualifying aerospace discretionary capacity improvement under  
9 s. 331.360(4). The plan shall identify appropriate funding  
10 levels and include recommendations on appropriate sources of  
11 revenue that may be developed to contribute to the State  
12 Transportation Trust Fund.

13 (4) Subject to the availability of appropriated funds,  
14 the department may participate in the capital cost of eligible  
15 spaceport discretionary capacity improvement projects. The  
16 annual legislative budget request shall be based on the  
17 proposed funding requested for approved spaceport  
18 discretionary capacity improvement projects.

19 Section 5. Section 332.008, Florida Statutes, is  
20 created to read:

21 332.008 Limitation on operation of chapter.--Nothing  
22 in this chapter shall be construed to authorize expenditure of  
23 aviation fuel tax revenues on space transportation projects.  
24 Nothing in this chapter shall be construed to limit the  
25 department's authority under s. 331.360.

26 Section 6. Subsection (31) of section 334.03, Florida  
27 Statutes, is amended to read:

28 334.03 Definitions.--When used in the Florida  
29 Transportation Code, the term:

30 (31) "Transportation facility" means any means for the  
31 transportation of people or ~~and~~ property from place to place

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1 which is constructed, operated, or maintained in whole or in  
2 part from public funds. The term includes the property or  
3 property rights, both real and personal, which have been or  
4 may be established by public bodies for the transportation of  
5 people or ~~and~~ property from place to place.

6 Section 7. Subsection (6) is added to section 334.30,  
7 Florida Statutes, to read:

8 334.30 Private transportation facilities.--The  
9 Legislature hereby finds and declares that there is a public  
10 need for rapid construction of safe and efficient  
11 transportation facilities for the purpose of travel within the  
12 state, and that it is in the public's interest to provide for  
13 the construction of additional safe, convenient, and  
14 economical transportation facilities.

15 (6) Notwithstanding s. 341.327, a fixed-guideway  
16 transportation system authorized by the department to be  
17 wholly or partially within the department's right-of-way  
18 pursuant to a lease granted under s. 337.251 may operate at  
19 any safe speed.

20 Section 8. Paragraph (d) of subsection (2) of section  
21 339.155, Florida Statutes, is amended, present paragraphs (w)  
22 and (x) of that subsection are redesignated as paragraphs (x)  
23 and (y), respectively, and a new paragraph (w) is added to  
24 that subsection, to read:

25 339.155 Transportation planning.--The department shall  
26 develop and annually update a statewide transportation plan,  
27 to be known as the Florida Transportation Plan. The plan  
28 shall be designed so as to be easily read and understood by  
29 the general public.

30 (2) DEVELOPMENT CRITERIA.--The Florida Transportation  
31 Plan shall consider the needs of the entire state

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1 transportation system, examine the use of all modes of  
2 transportation to effectively and efficiently meet such needs,  
3 and provide for the interconnection of all types of modes in a  
4 comprehensive intermodal transportation system. In developing  
5 the Florida Transportation Plan, the department shall consider  
6 the following:

7 (d) International border crossings and access to  
8 ports, airports, spaceports, intermodal transportation  
9 facilities, major freight distribution routes, national parks,  
10 recreation and scenic areas, monuments and historic sites, and  
11 military installations.

12 (w) The spaceport master plan approved by the  
13 Spaceport Florida Authority.

14 Section 9. Paragraph (a) of subsection (2), paragraph  
15 (b) of subsection (5), paragraph (a) of subsection (6),  
16 paragraphs (a) and (c) of subsection (7), and paragraph (a) of  
17 subsection (9) of section 339.175, Florida Statutes, 1998  
18 Supplement, are amended to read:

19 339.175 Metropolitan planning organization.--It is the  
20 intent of the Legislature to encourage and promote the  
21 development of transportation systems embracing various modes  
22 of transportation in a manner that will maximize the mobility  
23 of people and goods within and through urbanized areas of this  
24 state and minimize, to the maximum extent feasible, and  
25 together with applicable regulatory government agencies,  
26 transportation-related fuel consumption and air pollution. To  
27 accomplish these objectives, metropolitan planning  
28 organizations, referred to in this section as M.P.O.'s, shall  
29 develop, in cooperation with the state, transportation plans  
30 and programs for metropolitan areas. Such plans and programs  
31 must provide for the development of transportation facilities

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1 that will function as an intermodal transportation system for  
2 the metropolitan area. The process for developing such plans  
3 and programs shall be continuing, cooperative, and  
4 comprehensive, to the degree appropriate, based on the  
5 complexity of the transportation problems.

6 (2) VOTING MEMBERSHIP.--

7 (a) The voting membership of an M.P.O. shall consist  
8 of not fewer than 5 or more than 19 apportioned members, the  
9 exact number to be determined on an equitable  
10 geographic-population ratio basis by the Governor, based on an  
11 agreement among the affected units of general-purpose local  
12 government as required by federal rules and regulations. The  
13 Governor, in accordance with 23 U.S.C. s. 134, as amended by  
14 the Intermodal Surface Transportation Efficiency Act of 1991,  
15 may also provide for M.P.O. members who represent  
16 municipalities to alternate with representatives from other  
17 municipalities within the designated urban area that do not  
18 have members on the M.P.O. County commission members shall  
19 compose not less than one-third of the M.P.O. membership,  
20 except for an M.P.O. with more than 15 members located in a  
21 county with a five-member county commission or an M.P.O. with  
22 19 members located in a county with no more than 6 county  
23 commissioners, in which case county commission members may  
24 compose less than one-third percent of the M.P.O. membership,  
25 but all county commissioners must be members. All voting  
26 members shall be elected officials of general-purpose  
27 governments, except that an M.P.O. may include, as part of its  
28 apportioned voting members, a member of a statutorily  
29 authorized planning board, or an official of an agency that  
30 operates or administers a major mode of transportation, or an  
31 official of the Spaceport Florida Authority. In metropolitan

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1 areas in which authorities or other agencies have been, or may  
2 be, created by law to perform transportation functions that  
3 are not under the jurisdiction of a general-purpose local  
4 government represented on the M.P.O., they shall be provided  
5 voting membership on the M.P.O. The county commission shall  
6 compose not less than 20 percent of the M.P.O. membership if  
7 an official of an agency that operates or administers a major  
8 mode of transportation has been appointed to an M.P.O.

9 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
10 privileges, and authority of an M.P.O. are those specified in  
11 this section or incorporated in an interlocal agreement  
12 authorized under s. 163.01. Each M.P.O. shall perform all  
13 acts required by federal or state laws or rules, now and  
14 subsequently applicable, which are necessary to qualify for  
15 federal aid. It is the intent of this section that each M.P.O.  
16 shall be involved in the planning and programming of  
17 transportation facilities, including, but not limited to,  
18 airports, intercity and high-speed rail lines, seaports, and  
19 intermodal facilities, to the extent permitted by state or  
20 federal law.

21 (b) In developing the long-range transportation plan  
22 and the transportation improvement program required under  
23 paragraph (a), each M.P.O. must, at a minimum, consider:

24 1. The preservation of existing transportation  
25 facilities and, where practical, ways to meet transportation  
26 needs by using existing facilities more efficiently;

27 2. The consistency of transportation planning with  
28 applicable federal, state, and local energy conservation  
29 programs, goals, and objectives;

30 3. The need to relieve congestion and prevent  
31 congestion from occurring where it does not yet occur;



- 1           4. The likely effect of transportation policy  
2 decisions on land use and development and the consistency of  
3 transportation plans and programs with all applicable  
4 short-term and long-term land use and development plans;  
5           5. The programming of transportation enhancement  
6 activities as required by federal law;  
7           6. The effect of all transportation projects to be  
8 undertaken in the metropolitan area, without regard to whether  
9 such projects are publicly funded;  
10          7. The provision of access to seaports, airports,  
11 spaceports, intermodal transportation facilities, major  
12 freight distribution routes, national and state parks,  
13 recreation areas, monuments and historic sites, and military  
14 installations;  
15          8. The need for roads within the metropolitan area to  
16 efficiently connect with roads outside the metropolitan area;  
17          9. The transportation needs identified through the use  
18 of transportation management systems required by federal or  
19 state law;  
20          10. The preservation of rights-of-way for construction  
21 of future transportation projects, including the  
22 identification of unused rights-of-way that may be needed for  
23 future transportation corridors and the identification of  
24 corridors for which action is most needed to prevent  
25 destruction or loss;  
26          11. Any available methods to enhance the efficient  
27 movement of freight;  
28          12. The use of life-cycle costs in the design and  
29 engineering of bridges, tunnels, or pavement;  
30          13. The overall social, economic, energy, and  
31 environmental effects of transportation decisions;

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1           14. Any available methods to expand or enhance transit  
2 services and increase the use of such services; and

3           15. The possible allocation of capital investments to  
4 increase security for transit systems.

5           (6) LONG-RANGE PLAN.--Each M.P.O. must develop a  
6 long-range transportation plan that addresses at least a  
7 20-year planning horizon. The plan must include both  
8 long-range and short-range strategies and must comply with all  
9 other state and federal requirements. The long-range plan must  
10 be consistent, to the maximum extent feasible, with future  
11 land use elements and the goals, objectives, and policies of  
12 the approved local government comprehensive plans of the units  
13 of local government located within the jurisdiction of the  
14 M.P.O. The approved long-range plan must be considered by  
15 local governments in the development of the transportation  
16 elements in local government comprehensive plans and any  
17 amendments thereto. The long-range plan must, at a minimum:

18           (a) Identify transportation facilities, including, but  
19 not limited to, major roadways, airports, seaports,  
20 spaceports, commuter rail systems, transit systems, and  
21 intermodal or multimodal terminals that will function as an  
22 integrated metropolitan transportation system. The long-range  
23 plan must give emphasis to those transportation facilities  
24 that serve national, statewide, or regional functions, and  
25 must consider the goals and objectives identified in the  
26 Florida Transportation Plan as provided in s. 339.155.

27  
28 In the development of its long-range plan, each M.P.O. must  
29 provide affected public agencies, representatives of  
30 transportation agency employees, private providers of  
31 transportation, other interested parties, and members of the

1 general public with a reasonable opportunity to comment on the  
2 long-range plan. The long-range plan must be approved by the  
3 M.P.O.

4 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
5 shall, in cooperation with the state and affected public  
6 transportation operators, develop a transportation improvement  
7 program for the area within the jurisdiction of the M.P.O. In  
8 the development of the transportation improvement program,  
9 each M.P.O. must provide affected public transit agencies,  
10 representatives of transportation agency employees, private  
11 providers of transportation, other interested parties, and  
12 members of the general public with a reasonable opportunity to  
13 comment on the transportation improvement program.

14 (a) Each M.P.O. is responsible for developing,  
15 annually, a list of project priorities and a transportation  
16 improvement program. The transportation improvement program  
17 will be used to initiate federally aided transportation  
18 facilities and improvements as well as other transportation  
19 facilities and improvements including transit, rail, aviation,  
20 spaceport, and port facilities to be funded from the State  
21 Transportation Trust Fund within its metropolitan area in  
22 accordance with existing and subsequent federal and state laws  
23 and rules and regulations related thereto. The transportation  
24 improvement program shall be consistent, to the maximum extent  
25 feasible, with the approved local government comprehensive  
26 plans of the units of local government whose boundaries are  
27 within the metropolitan area of the M.P.O.

28 (c) The transportation improvement program must, at a  
29 minimum:

30 1. Include projects and project phases to be funded  
31 with state or federal funds within the time period of the

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1 transportation improvement program and which are recommended  
2 for advancement during the next fiscal year and 4 subsequent  
3 fiscal years. Such projects and project phases must be  
4 consistent, to the maximum extent feasible, with the approved  
5 local government comprehensive plans of the units of local  
6 government located within the jurisdiction of the M.P.O. For  
7 informational purposes, the transportation improvement program  
8 shall also include a list of projects to be funded from local  
9 or private revenues.

10           2. Include projects within the metropolitan area which  
11 are proposed for funding under 23 U.S.C. s. 134 of the Federal  
12 Transit Act and which are consistent with the long-range plan  
13 developed under subsection (6).

14           3. Provide a financial plan that demonstrates how the  
15 transportation improvement program can be implemented;  
16 indicates the resources, both public and private, that are  
17 reasonably expected to be available to accomplish the program;  
18 and recommends any innovative financing techniques that may be  
19 used to fund needed projects and programs. Such techniques  
20 may include the assessment of tolls, the use of value capture  
21 financing, or the use of congestion pricing. The  
22 transportation improvement program may include a project or  
23 project phase only if full funding can reasonably be  
24 anticipated to be available for the project or project phase  
25 within the time period contemplated for completion of the  
26 project or project phase.

27           4. Group projects and project phases of similar  
28 urgency and anticipated staging into appropriate staging  
29 periods.

30           5. Indicate how the transportation improvement program  
31 relates to the long-range plan developed under subsection (6),

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1 including providing examples of specific projects or project  
2 phases that further the goals and policies of the long-range  
3 plan.

4           6. Indicate whether any project or project phase is  
5 inconsistent with an approved comprehensive plan of a unit of  
6 local government located within the jurisdiction of the M.P.O.  
7 If a project is inconsistent with an affected comprehensive  
8 plan, the M.P.O. must provide justification for including the  
9 project in the transportation improvement program.

10           7. Indicate how the improvements are consistent, to  
11 the maximum extent feasible, with affected seaport,and  
12 airport, and spaceport master plans and with public transit  
13 development plans of the units of local government located  
14 within the jurisdiction of the M.P.O.

15           (9) AGREEMENTS.--

16           (a) Each M.P.O. shall execute the following written  
17 agreements, which shall be reviewed, and updated as necessary,  
18 every 5 years:

19           1. An agreement with the department clearly  
20 establishing the cooperative relationship essential to  
21 accomplish the transportation planning requirements of state  
22 and federal law.

23           2. An agreement with the metropolitan and regional  
24 intergovernmental coordination and review agencies serving the  
25 metropolitan areas, specifying the means by which activities  
26 will be coordinated and how transportation planning and  
27 programming will be part of the comprehensive planned  
28 development of the area.

29           3. An agreement with operators of public  
30 transportation systems, including transit systems, commuter  
31 rail systems, airports, ~~and~~ seaports, and spaceports,

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1 describing the means by which activities will be coordinated  
2 and specifying how public transit, commuter rail, aviation,  
3 ~~and~~ seaport, and aerospace planning and programming will be  
4 part of the comprehensive planned development of the  
5 metropolitan area.

6 Section 10. Commission on the Future of Aeronautics  
7 and Space in Florida.--

8 (1) The Legislature finds that the aviation and  
9 aerospace industries comprise an important segment of  
10 Florida's present and future economy. Yet, there exists  
11 intense nationwide competition for future development of these  
12 industries. The state has the resources to help these  
13 industries meet the challenges and opportunities of  
14 competition and to establish itself as a prime location for  
15 aviation and aerospace industries, thus creating a prime  
16 environment for economic development and employment  
17 opportunities. However, effective action and the necessary  
18 coordination of resources must be based on a reliable  
19 assessment of the present climate for such industries in the  
20 state. Further, the various options available for legislative  
21 action should be carefully considered.

22 (2) There is created the Commission on the Future of  
23 Aeronautics and Space in Florida. The commission shall be  
24 composed of the following 11 members:

25 (a) The chairs of the Transportation Committees of the  
26 Senate and the House of Representatives.

27 (b) A representative of the Aviation Office of the  
28 Department of Transportation, appointed by the Secretary of  
29 Transportation.

30 (c) A representative of the Spaceport Florida  
31 Authority, appointed by the board of supervisors of the

1 authority.

2 (d) Two members appointed by the Governor who are not  
3 members of the Legislature.

4 (e) Two members appointed by the President of the  
5 Senate.

6 (f) Two members appointed by the Speaker of the House  
7 of Representatives.

8 (g) An active manager of an airport in Florida  
9 appointed by the Florida Airport Manager's Association.

10 (3) The members appointed pursuant to paragraphs  
11 (2)(d), (e), and (f), shall be selected so as to equitably  
12 provide knowledge concerning and experience in the following  
13 areas: commercial aviation; aviation manufacturing; aviation  
14 operations and maintenance; aerospace manufacturing; aerospace  
15 operations and maintenance; and aeronautics-related education.

16 (4) The members of the commission shall be appointed  
17 within 30 days after the effective date of this act. The  
18 commission shall serve until adjournment sine die of the 2001  
19 Regular Session of the Legislature. Vacancies on the  
20 commission shall be filled in the same manner as the original  
21 appointment.

22 (5) Upon appointment of its members, the commission  
23 shall meet to organize and select a chair and vice chair.  
24 Meetings shall be held upon the call of the chair, but not  
25 less frequently than quarterly.

26 (6) The members of the commission shall serve without  
27 compensation but shall be entitled to be reimbursed for per  
28 diem and travel expenses as provided in section 112.061,  
29 Florida Statutes. The Department of Transportation shall  
30 provide administrative staff support and travel and per diem  
31 expenses for the commission.

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- 1           (7) The commission shall:
- 2           (a) Survey current state and local laws, ordinances,  
3 and rules that affect the development and regulation of the  
4 aviation and aerospace industries in Florida and recommend  
5 ways in which these regulations can be streamlined and revised  
6 to operate more efficiently. The commission should also  
7 consider whether regulation and oversight in the fields of  
8 aviation and aerospace should be centralized under one  
9 governmental agency.
- 10           (b) Examine the ways in which aviation and aerospace  
11 industries, including the component elements of manufacturing,  
12 assembly, marketing, servicing, maintenance, logistical  
13 support, human resources, and related research and  
14 development, can be attracted to locate permanently in the  
15 state, and recommend actions that can be taken by state and  
16 local governments to accomplish this goal.
- 17           (c) Review existing studies to evaluate the  
18 availability of commercial air services in Florida, identify  
19 underserved locations, and recommend actions that can be taken  
20 to improve the availability, efficiency, and economy of the  
21 state's commercial air services.
- 22           (d) Identify the advances that can be expected in the  
23 future in aeronautics and aerospace operations, air transport,  
24 aeronautical education, and other aeronautical areas, and make  
25 recommendations regarding how the state can anticipate,  
26 encourage, and accommodate such advances.
- 27           (e) Identify aid that is available at the federal  
28 level to assist in efforts to improve Florida's aeronautical  
29 and aerospace competitive position, and recommend ways in  
30 which the state can be most effective in obtaining that aid.
- 31           (f) Determine whether Florida's secondary and



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1 postsecondary schools are producing a highly qualified  
2 workforce in sufficient numbers to meet the needs of the  
3 aviation and aerospace industries.

4 (8) The commission shall prepare a preliminary report  
5 of its findings and recommendations by December 1, 2000, and a  
6 final report by January 15, 2001. Copies of the reports shall  
7 be submitted to the Governor, the President and the Minority  
8 Leader of the Senate, and the Speaker and the Minority Leader  
9 of the House of Representatives. After submission of the final  
10 report, members of the commission may, with the approval of  
11 the chair, receive reimbursement pursuant to subsection (6)  
12 for travel necessary to consult with the Legislature  
13 concerning issues raised by, and implementation of, the final  
14 report, until termination of the commission.

15 Section 11. Subsection (6) of section 196.012, Florida  
16 Statutes, is amended to read:

17 196.012 Definitions.--For the purpose of this chapter,  
18 the following terms are defined as follows, except where the  
19 context clearly indicates otherwise:

20 (6) Governmental, municipal, or public purpose or  
21 function shall be deemed to be served or performed when the  
22 lessee under any leasehold interest created in property of the  
23 United States, the state or any of its political subdivisions,  
24 or any municipality, agency, special district, authority, or  
25 other public body corporate of the state is demonstrated to  
26 perform a function or serve a governmental purpose which could  
27 properly be performed or served by an appropriate governmental  
28 unit or which is demonstrated to perform a function or serve a  
29 purpose which would otherwise be a valid subject for the  
30 allocation of public funds. For purposes of the preceding  
31 sentence, an activity undertaken by a lessee which is

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1 permitted under the terms of its lease of real property  
2 designated as an aviation area on an airport layout plan which  
3 has been approved by the Federal Aviation Administration and  
4 which real property is used for the administration, operation,  
5 business offices and activities related specifically thereto  
6 in connection with the conduct of an aircraft full service  
7 fixed base operation which provides goods and services to the  
8 general aviation public in the promotion of air commerce shall  
9 be deemed an activity which serves a governmental, municipal,  
10 or public purpose or function. Any activity undertaken by a  
11 lessee which is permitted under the terms of its lease of real  
12 property designated as a public airport as defined in s.  
13 332.004(14) by municipalities, agencies, special districts,  
14 authorities, or other public bodies corporate and public  
15 bodies politic of the state, a spaceport as defined in s.  
16 331.303(19), or which is located in a deepwater port  
17 identified in s. 403.021(9)(b) and owned by one of the  
18 foregoing governmental units, subject to a leasehold or other  
19 possessory interest of a nongovernmental lessee that is deemed  
20 to perform an aviation, ~~or~~ airport, aerospace, ~~or~~ maritime, ~~or~~  
21 port purpose or operation shall be deemed an activity that  
22 serves a governmental, municipal, or public purpose. The use  
23 by a lessee, licensee, or management company of real property  
24 or a portion thereof as a convention center, visitor center,  
25 sports facility with permanent seating, concert hall, arena,  
26 stadium, park, or beach is deemed a use that serves a  
27 governmental, municipal, or public purpose or function when  
28 access to the property is open to the general public with or  
29 without a charge for admission. If property deeded to a  
30 municipality by the United States is subject to a requirement  
31 that the Federal Government, through a schedule established by

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1 the Secretary of the Interior, determine that the property is  
2 being maintained for public historic preservation, park, or  
3 recreational purposes and if those conditions are not met the  
4 property will revert back to the Federal Government, then such  
5 property shall be deemed to serve a municipal or public  
6 purpose. The term "governmental purpose" also includes a  
7 direct use of property on federal lands in connection with the  
8 Federal Government's Space Exploration Program or spaceport  
9 activities as defined in s. 212.02(22). Real property and  
10 tangible personal property owned by the Federal Government or  
11 the Spaceport Florida Authority and used for defense and space  
12 exploration purposes or which is put to a use in support  
13 thereof shall be deemed to perform an essential national  
14 governmental purpose and shall be exempt. "Owned by the  
15 lessee" as used in this chapter does not include personal  
16 property, buildings, or other real property improvements used  
17 for the administration, operation, business offices and  
18 activities related specifically thereto in connection with the  
19 conduct of an aircraft full service fixed based operation  
20 which provides goods and services to the general aviation  
21 public in the promotion of air commerce provided that the real  
22 property is designated as an aviation area on an airport  
23 layout plan approved by the Federal Aviation Administration.  
24 For purposes of determination of "ownership," buildings and  
25 other real property improvements which will revert to the  
26 airport authority or other governmental unit upon expiration  
27 of the term of the lease shall be deemed "owned" by the  
28 governmental unit and not the lessee. Providing two-way  
29 telecommunications services to the public for hire by the use  
30 of a telecommunications facility, as defined in s. 364.02(13),  
31 and for which a certificate is required under chapter 364 does

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1 not constitute an exempt use for purposes of s. 196.199,  
2 unless the telecommunications services are provided by the  
3 operator of a public-use airport, as defined in s. 332.004,  
4 for the operator's provision of telecommunications services  
5 for the airport or its tenants, concessionaires, or licensees,  
6 or unless the telecommunications services are provided by a  
7 public hospital. However, property that is being used to  
8 provide such telecommunications services on or before October  
9 1, 1997, shall remain exempt, but such exemption expires  
10 October 1, 2004.

11 Section 12. Paragraph (b) of subsection (5) of section  
12 212.08, Florida Statutes, 1998 Supplement, is amended to read:

13 212.08 Sales, rental, use, consumption, distribution,  
14 and storage tax; specified exemptions.--The sale at retail,  
15 the rental, the use, the consumption, the distribution, and  
16 the storage to be used or consumed in this state of the  
17 following are hereby specifically exempt from the tax imposed  
18 by this chapter.

19 (5) EXEMPTIONS; ACCOUNT OF USE.--

20 (b) Machinery and equipment used to increase  
21 productive output.--

22 1. Industrial machinery and equipment purchased for  
23 exclusive use by a new business in spaceport activities as  
24 defined by s. 212.02 or for use in new businesses which  
25 manufacture, process, compound, or produce for sale, ~~or for~~  
26 ~~exclusive use in spaceport activities as defined in s. 212.02,~~  
27 items of tangible personal property at fixed locations are  
28 exempt from the tax imposed by this chapter upon an  
29 affirmative showing by the taxpayer to the satisfaction of the  
30 department that such items are used in a new business in this  
31 state. Such purchases must be made prior to the date the

1 business first begins its productive operations, and delivery  
2 of the purchased item must be made within 12 months of that  
3 date.

4           2.a. Industrial machinery and equipment purchased for  
5 exclusive use by an expanding facility which is engaged in  
6 spaceport activities as defined by s. 212.02 or for use in  
7 expanding manufacturing facilities or plant units which  
8 manufacture, process, compound, or produce for sale,~~or for~~  
9 ~~exclusive use in spaceport activities as defined in s. 212.02,~~  
10 items of tangible personal property at fixed locations in this  
11 state are exempt from any amount of tax imposed by this  
12 chapter in excess of \$50,000 per calendar year upon an  
13 affirmative showing by the taxpayer to the satisfaction of the  
14 department that such items are used to increase the productive  
15 output of such expanded facility or business by not less than  
16 10 percent.

17           b. Notwithstanding any other provision of this  
18 section, industrial machinery and equipment purchased for use  
19 in expanding printing manufacturing facilities or plant units  
20 that manufacture, process, compound, or produce for sale items  
21 of tangible personal property at fixed locations in this state  
22 are exempt from any amount of tax imposed by this chapter upon  
23 an affirmative showing by the taxpayer to the satisfaction of  
24 the department that such items are used to increase the  
25 productive output of such an expanded business by not less  
26 than 10 percent.

27           3.a. To receive an exemption provided by subparagraph  
28 1. or subparagraph 2., a qualifying business entity shall  
29 apply to the department for a temporary tax exemption permit.  
30 The application shall state that a new business exemption or  
31 expanded business exemption is being sought. Upon a tentative

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1 affirmative determination by the department pursuant to  
2 subparagraph 1. or subparagraph 2., the department shall issue  
3 such permit.

4         b. The applicant shall be required to maintain all  
5 necessary books and records to support the exemption. Upon  
6 completion of purchases of qualified machinery and equipment  
7 pursuant to subparagraph 1. or subparagraph 2., the temporary  
8 tax permit shall be delivered to the department or returned to  
9 the department by certified or registered mail.

10         c. If, in a subsequent audit conducted by the  
11 department, it is determined that the machinery and equipment  
12 purchased as exempt under subparagraph 1. or subparagraph 2.  
13 did not meet the criteria mandated by this paragraph or if  
14 commencement of production did not occur, the amount of taxes  
15 exempted at the time of purchase shall immediately be due and  
16 payable to the department by the business entity, together  
17 with the appropriate interest and penalty, computed from the  
18 date of purchase, in the manner prescribed by this chapter.

19         d. In the event a qualifying business entity fails to  
20 apply for a temporary exemption permit or if the tentative  
21 determination by the department required to obtain a temporary  
22 exemption permit is negative, a qualifying business entity  
23 shall receive the exemption provided in subparagraph 1. or  
24 subparagraph 2. through a refund of previously paid taxes. No  
25 refund may be made for such taxes unless the criteria mandated  
26 by subparagraph 1. or subparagraph 2. have been met and  
27 commencement of production has occurred.

28         4. The department shall promulgate rules governing  
29 applications for, issuance of, and the form of temporary tax  
30 exemption permits; provisions for recapture of taxes; and the  
31 manner and form of refund applications and may establish

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1 guidelines as to the requisites for an affirmative showing of  
2 increased productive output, commencement of production, and  
3 qualification for exemption.

4           5. The exemptions provided in subparagraphs 1. and 2.  
5 do not apply to machinery or equipment purchased or used by  
6 electric utility companies, communications companies,  
7 phosphate or other solid minerals severance, mining, or  
8 processing operations, oil or gas exploration or production  
9 operations, publishing firms that do not export at least 50  
10 percent of their finished product out of the state, any firm  
11 subject to regulation by the Division of Hotels and  
12 Restaurants of the Department of Business and Professional  
13 Regulation, or any firm which does not manufacture, process,  
14 compound, or produce for sale, ~~or for exclusive use in~~  
15 ~~spaceport activities as defined in s. 212.02,~~ items of  
16 tangible personal property or which does not use such  
17 machinery and equipment in spaceport activities as required by  
18 this paragraph.

19           6. For the purposes of the exemptions provided in  
20 subparagraphs 1. and 2., these terms have the following  
21 meanings:

22           a. "Industrial machinery and equipment" means "section  
23 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the  
24 Internal Revenue Code, provided "industrial machinery and  
25 equipment" shall be construed by regulations adopted by the  
26 Department of Revenue to mean tangible property used as an  
27 integral part of spaceport activities or of the manufacturing,  
28 processing, compounding, or producing for sale, ~~or for~~  
29 ~~exclusive use in spaceport activities as defined in s. 212.02,~~  
30 of items of tangible personal property. Such term includes  
31 parts and accessories only to the extent that the exemption

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1 thereof is consistent with the provisions of this paragraph.

2           b. "Productive output" means the number of units  
3 actually produced by a single plant or operation in a single  
4 continuous 12-month period, irrespective of sales. Increases  
5 in productive output shall be measured by the output for 12  
6 continuous months immediately following the completion of  
7 installation of such machinery or equipment over the output  
8 for the 12 continuous months immediately preceding such  
9 installation. However, if a different 12-month continuous  
10 period of time would more accurately reflect the increase in  
11 productive output of machinery and equipment purchased to  
12 facilitate an expansion, the increase in productive output may  
13 be measured during that 12-month continuous period of time if  
14 such time period is mutually agreed upon by the Department of  
15 Revenue and the expanding business prior to the commencement  
16 of production; provided, however, in no case may such time  
17 period begin later than 2 years following the completion of  
18 installation of the new machinery and equipment. The units  
19 used to measure productive output shall be physically  
20 comparable between the two periods, irrespective of sales.

21           7. Notwithstanding any other provision in this  
22 paragraph to the contrary, in order to receive the exemption  
23 provided in this paragraph a taxpayer must register with the  
24 WAGES Program Business Registry established by the local WAGES  
25 coalition for the area in which the taxpayer is located. Such  
26 registration establishes a commitment on the part of the  
27 taxpayer to hire WAGES program participants to the maximum  
28 extent possible consistent with the nature of their business.

29           Section 13. Subsection (4) of section 288.063, Florida  
30 Statutes, 1998 Supplement, is amended, present subsections  
31 (7), (8), and (9) are redesignated as subsections (8), (9),



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1 and (10), respectively, and a new subsections (7) is added to  
2 that section, to read:

3           288.063 Contracts for transportation projects.--  
4           (4) The Office of Tourism, Trade, and Economic  
5 Development may adopt criteria by which transportation  
6 projects are to be specified and identified. In approving  
7 transportation projects for funding, the Office of Tourism,  
8 Trade, and Economic Development shall consider factors  
9 including, but not limited to, the cost per job created or  
10 retained considering the amount of transportation funds  
11 requested; the average hourly rate of wages for jobs created;  
12 the reliance on the program as an inducement for the project's  
13 location decision; the amount of capital investment to be made  
14 by the business; the demonstrated local commitment; the  
15 location of the project in an enterprise zone designated  
16 pursuant to s. 290.0055; the location of the project in a  
17 community development corporation service area as defined in  
18 s. 290.035(2); the location of the project in a spaceport  
19 territory as defined in s. 331.304; the unemployment rate of  
20 the surrounding area; the poverty rate of the community; and  
21 the adoption of an economic element as part of its local  
22 comprehensive plan in accordance with s. 163.3177(7)(j). The  
23 Office of Tourism, Trade, and Economic Development may contact  
24 any agency it deems appropriate for additional input regarding  
25 the approval of projects.

26           (7) For the purpose of this section, the Spaceport  
27 Florida Authority may serve as the local government or as the  
28 contracting agency for transportation projects within  
29 spaceport territory as defined by s. 331.304.

30           Section 14. Subsection (1) of section 288.075, Florida  
31 Statutes, is amended to read:

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1           288.075 Confidentiality of records.--

2           (1) As used in this section, the term "economic  
3 development agency" means the Office of Tourism, Trade, and  
4 Economic Development ~~Division of Economic Development of the~~  
5 ~~Department of Commerce~~, any industrial development authority  
6 created in accordance with part III of chapter 159 or by  
7 special law, the Spaceport Florida Authority created in part  
8 II of chapter 331, the public economic development agency that  
9 advises the county commission on the issuance of industrial  
10 revenue bonds of a county that does not have an industrial  
11 development authority created in accordance with part III of  
12 chapter 159 or by special law, or any research and development  
13 authority created in accordance with part V of chapter 159.  
14 The term also includes any private agency, person,  
15 partnership, corporation, or business entity when authorized  
16 by the state, a municipality, or a county to promote the  
17 general business interests or industrial interests of the  
18 state or that municipality or county.

19           Section 15. Subsection (2) of section 288.35, Florida  
20 Statutes, is amended to read:

21           288.35 Definitions.--The following terms, wherever  
22 used or referred to in this part, shall have the following  
23 meanings:

24           (2) "Government agency" means the state or any county  
25 or political subdivision thereof; any state agency; any  
26 consolidated government of a county, and some or all of the  
27 municipalities located within said county; any chartered  
28 municipality in the state; and any of the institutions of such  
29 consolidated governments, counties, or municipalities.  
30 Specifically included are airports, port authorities, ~~and~~  
31 industrial authorities, and the Spaceport Florida Authority.

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1           Section 16. Subsection (2) of section 288.9415,  
2 Florida Statutes, is amended to read:

3           288.9415 International Trade Grants.--

4           (2) A county, municipality, economic development  
5 council, the Spaceport Florida Authority, or a not-for-profit  
6 association of businesses organized to assist in the promotion  
7 of international trade may apply for a grant of state funds  
8 for the promotion of international trade.

9           Section 17. Subsection (2) of section 331.309, Florida  
10 Statutes, 1998 Supplement, is amended to read:

11           331.309 Treasurer; depositories; fiscal agent.--

12           (2) The board is authorized to select as depositories  
13 in which the funds of the board and of the authority shall be  
14 deposited any qualified public depository as defined in s.  
15 280.02, upon such terms and conditions as to the payment of  
16 interest by such depository upon the funds so deposited as the  
17 board may deem just and reasonable. Funds of the authority may  
18 also be deposited with the Florida Commercial Space Financing  
19 Corporation created by s. 331.407. The funds of the authority  
20 may be kept in or removed from the State Treasury upon written  
21 notification from the chair of the board to the State  
22 Comptroller.

23           Section 18. Part III of chapter 331, Florida Statutes,  
24 consisting of sections 331.401, 331.403, 331.405, 331.407,  
25 331.409, 331.411, 331.415, 331.417, 331.419, and 331.421, is  
26 created to read:

27           331.401 Short title.--Sections 331.401-331.421 may be  
28 cited as the "Florida Commercial Space Financing Corporation  
29 Act."

30           331.403 Legislative findings and intent.--The  
31 Legislature finds that the expansion of state and federal

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1 support for the aerospace industry in Florida is critical to  
2 the continued development of a viable commercial space  
3 industry and the technical and scientific job base for its  
4 citizens. This development of commercial opportunities in  
5 Florida is slowed by the lack of traditional business  
6 financing tools such as securitization for industrial  
7 development. Florida's launch industry is also being  
8 challenged by the provision of such industry assistance by  
9 other countries. Florida's aerospace industry could be  
10 assisted by a corporation established to work with the United  
11 States Export-Import Bank, the Small Business Administration,  
12 the National Aeronautics and Space Administration, and other  
13 federal, state, and private sources to provide information,  
14 technical assistance, and financial support. It is the  
15 intention of the Legislature to retain and expand job  
16 opportunities for Florida citizens through this mechanism.

17 331.405 Definitions.--As used in this part:

18 (1) "Account" means the account established pursuant  
19 to s. 331.415.

20 (2) "Authority" means the Spaceport Florida Authority  
21 created by s. 331.302.

22 (3) "Board" means the governing body of the  
23 corporation.

24 (4) "Corporation" means the Florida Commercial Space  
25 Financing Corporation.

26 (5) "Domiciled in this state" means registered to do  
27 business in Florida.

28 (6) "Financing agreement" has the same meaning as in  
29 s. 331.303(10).

30 (7) "Financial institution" has the same meaning as in  
31 s. 655.005(1)(h).

1           (8) "Member" means an individual appointed to be a  
2 member of the board.

3           (9) "President" means the chief executive officer of  
4 the corporation.

5           331.407 Florida Commercial Space Financing  
6 Corporation.--

7           (1) The Florida Commercial Space Financing Corporation  
8 is created as a corporation not for profit. The corporation  
9 shall have all the powers, rights, privileges, and authority  
10 as provided under chapter 617 and this part. The corporation  
11 shall be organized on a nonstock basis. The purpose of the  
12 corporation is to expand employment and income opportunities  
13 for residents of this state by providing businesses domiciled  
14 in this state with information, technical assistance, and  
15 financial assistance to support space-related transactions, in  
16 order to increase the development within the state of  
17 commercial aerospace products, activities, services, and  
18 facilities.

19           (2) The corporation shall have the power and authority  
20 to carry out the following functions:

21           (a) To coordinate its efforts with programs and goals  
22 of the United States Air Force, the National Aeronautics and  
23 Space Administration, the Export-Import Bank, the  
24 International Trade Administration of the United States  
25 Department of Commerce, the Foreign Credit Insurance  
26 Association, Enterprise Florida, Inc., and its boards, and  
27 other private and public programs and organizations, domestic  
28 and foreign.

29           (b) To establish a network of contacts among those  
30 domestic and foreign public and private organizations which  
31 provide information, technical assistance, and financial

1 support to the aerospace industry.

2 (c) To assemble, publish, and disseminate information  
3 on financing opportunities and techniques of financing  
4 aerospace projects, programs, and activities; sources of  
5 public and private aerospace financing assistance; and sources  
6 of space-related financing.

7 (d) To organize, host, and participate in seminars and  
8 other forums designed to disseminate information and technical  
9 assistance regarding space-related financing.

10 (e) To insure, coinsure, lend, and guarantee loans,  
11 and to originate for sale direct space-related loans, pursuant  
12 to criteria, bylaws, policies, and procedures adopted by the  
13 board.

14 (f) To capitalize, underwrite, and secure funding for  
15 aerospace infrastructure, satellites, launch vehicles, and any  
16 service which supports aerospace launches.

17 (g) To construct, lease, or sell aerospace  
18 infrastructure, satellites, launch vehicles, and any other  
19 related activities and services.

20 (h) To acquire property, including real, personal,  
21 tangible, intangible, or mixed, under such conditions as the  
22 board may deem necessary or desirable, and sell or otherwise  
23 dispose of the same.

24 (i) To make and exercise any and all contracts or  
25 other instruments necessary or convenient to the exercise of  
26 its powers, including financing agreements.

27 331.409 Powers and limitations.--

28 (1) The corporation may charge fees to help defray the  
29 operating expenses of its programs. The amount of fees shall  
30 be determined by the board.

31 (2) The total of loans, guarantees, direct loan

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1 originations for sale, and insured transactions outstanding  
2 shall not be more than five times the balance of the account.

3 The board may elect to require a higher reserve.

4 (3) The board shall adopt rules with respect to the  
5 terms and limits for loans, guarantees, and direct loan  
6 originations, but a loan guarantee or a direct loan  
7 origination shall not exceed 90 percent of the transaction  
8 contract.

9 (4) In providing assistance, the board shall create a  
10 fiscal strategy for Florida which will guide and facilitate  
11 the successful expansion of space-related jobs.

12 (5) The board shall explore the possibility of  
13 organizing financial institutions and international bank  
14 syndicates for the purpose of offering nonrecourse financing  
15 to the Florida aerospace industry.

16 (6) The board may exercise all powers granted to  
17 not-for-profit corporations under chapter 617.

18 (7) The board shall manage all funds in its possession  
19 and invest in permissible securities.

20 331.411 Board of directors; powers and duties.--

21 (1) There is created a board of directors of the  
22 corporation, which shall consist of up to 7 voting members as  
23 follows:

24 (a) One representative appointed by each of the  
25 following:

26 1. The board of supervisors of the Spaceport Florida  
27 Authority.

28 2. The board of directors of the Florida Export  
29 Finance Corporation.

30 3. The director of the Office of Tourism, Trade, and  
31 Economic Development.

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1           4. The board of directors of Enterprise Florida, Inc.

2           5. The Secretary of Transportation.

3           (b) The Governor shall appoint the following members:

4           1. A member representing the investment banking  
5 industry.

6           2. An attorney at law in private practice.

7

8 The board shall also include two ex officio nonvoting members,  
9 a member of the House of Representatives selected by the  
10 Speaker of the House of Representatives, and a member of the  
11 Senate selected by the President of the Senate, both of whom  
12 shall serve 2-year terms.

13           (2) Each voting member shall serve a 3-year term,  
14 beginning on July 1. Members appointed pursuant to paragraph  
15 (1)(a) shall serve at the pleasure of the appointing  
16 authority. Members appointed pursuant to paragraph (1)(b)  
17 shall serve at the pleasure of the Governor. Initial  
18 appointments shall be made no later than 60 days after the  
19 effective date of this act.

20           (3)(a) No person appointed pursuant to paragraph  
21 (1)(a) may be employed full time by any entity that applies  
22 for financial support.

23           (b) The members of the board who are federal employees  
24 shall not vote on any financial matter, but may vote on all  
25 corporate policies and procedures.

26           (c) All board members must be residents of the state.

27           (4) The board shall hold its initial meeting no later  
28 than 30 days after the members have been appointed.

29           (5) At its first meeting, the board shall appoint a  
30 president of the corporation from qualified candidates who  
31 have been screened and interviewed by the Spaceport Florida



1 Authority.

2 (6) Board members shall serve without compensation but  
3 may be reimbursed for all necessary expenses in the  
4 performance of their duties, including attending board  
5 meetings and conducting board business.

6 (7) The board shall:

7 (a) Prior to the expenditure of funds from the  
8 account, adopt bylaws, rules, and policies necessary to carry  
9 out its responsibilities under this part, particularly with  
10 respect to the implementation of the corporation's programs to  
11 insure, coinsure, lend, provide loan guarantees, and make  
12 direct, guaranteed, or collateralized loans to support  
13 space-related transactions.

14 (b) Hold regularly scheduled meetings, at least  
15 quarterly, in order to carry out the objectives and  
16 responsibilities of the board.

17 (c) Adopt policies, including criteria, establishing  
18 which space-related transactions shall be eligible for  
19 insurance, coinsurance, loan guarantees, and direct,  
20 guaranteed, or collateralized loans which may be extended by  
21 the corporation. To implement this paragraph, the board shall  
22 adopt rules which include the following criteria:

23 1. Any individual signing any corporation loan  
24 application and loan or guarantee agreement must have an  
25 equity interest in the business applying for financial  
26 assistance.

27 2. Applicants must be domiciled in this state and will  
28 be contractually obligated to use Florida launch facilities to  
29 the maximum extent possible.

30 (d) Adopt requirements to ensure the full repayment of  
31 loans and loan guarantees, plus accrued interest,

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1 full-recourse claims, and indemnities on direct loan  
2 originations sold by the corporation, and the solvency of any  
3 insurance and coinsurance program extended under this part.

4 (e) Approve any extension of insurance, coinsurance,  
5 loans, loan guarantees, or direct loan originations for sale  
6 under this part.

7 (f) Consult with Enterprise Florida, Inc., and its  
8 boards, or any state or federal agency, to ensure that their  
9 respective loan guarantee or working capital loan origination  
10 programs are not duplicative and that each program makes full  
11 use, to the extent practicable, of the resources of the other.

12 (g) Work to secure a delegated line of authority from  
13 the United States Export-Import Bank or other appropriate  
14 federal or state agency or private sector entity in order to  
15 take advantage of possible funding or guarantee sources.

16 (h) Develop a streamlined application and review  
17 process.

18 331.415 Authority to create account.--

19 (1) The board shall create an account for the purposes  
20 of this part to receive state, federal, and private financial  
21 resources, and the return from investments of those resources.  
22 The account shall be under the exclusive control of the board.

23 (2) Resources in the account shall be allocated for  
24 operating expenses of the corporation and for other purposes  
25 authorized by this part.

26 (3)(a) Appropriations for the corporation shall be  
27 deposited into the account.

28 (b) The board may deposit the resources of the account  
29 with state or federally chartered financial institutions in  
30 this state and may invest the remaining portion in permissible  
31 securities.

1           (c) At all times, the board shall attempt to maximize  
2 the returns on funds in the account.

3           (d) All funds received from the activities of the  
4 corporation shall be redeposited in the account to be used to  
5 support the purposes of this part.

6           (4) Any claims against the account shall be paid  
7 solely from the account. Under no circumstances shall the  
8 credit of the state be pledged other than funds appropriated  
9 by law to the account, nor shall the state be liable or  
10 obligated in any way for claims on the account or against the  
11 corporation.

12           331.417 President.--

13           (1) The board shall appoint a president. The president  
14 shall be knowledgeable about the aerospace industry and its  
15 financing programs.

16           (2) The president shall serve at the pleasure of the  
17 board and shall receive a salary and benefits as fixed by the  
18 board.

19           (3) The president shall administer the programs of the  
20 corporation and perform such duties as are delegated by the  
21 board.

22           (4) The president may, upon approval of the board:

23           (a) Contract for services.

24           (b) Hold public hearings.

25           (c) Call upon and reimburse for services any state  
26 agency or department for assistance in carrying out the  
27 objectives of this part.

28           (d) Participate with government or private industry in  
29 programs for technical assistance, loans, technology transfer,  
30 or any other programs related to this part.

31           (e) Undertake or commission studies on methods to

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1 increase financial resources to expand the financial  
2 assistance to aerospace-related industries in this state.

3 (f) Hire staff and provide training for them and other  
4 individuals involved in finance assistance, including such  
5 training sessions as may be provided by the United States  
6 Export-Import Bank and other organizations.

7 (g) Exercise any other powers as may be necessary to  
8 carry out the purposes of this part.

9 (5) The president shall provide staff to the board as  
10 requested.

11 (6) The president shall submit an annual budget to be  
12 approved by the board.

13 331.419 Reports and audits.--

14 (1) By December 31 of each year, the corporation shall  
15 submit to the Governor, the President of the Senate, the  
16 Speaker of the House of Representatives, the Senate Minority  
17 Leader, and the House Minority Leader a complete and detailed  
18 report setting forth:

19 (a) An evaluation of its activities and  
20 recommendations for change.

21 (b) The corporation's impact on the participation of  
22 private banks and other private organizations and individuals  
23 in the corporation's financing programs, and other economic  
24 and social benefits to businesses in this state.

25 (c) Its assets and liabilities at the end of its most  
26 recent fiscal year.

27 (2) By September 1, 2000, the corporation, in  
28 cooperation with the Office of Program Policy Analysis and  
29 Government Accountability, shall develop a research design,  
30 including goals and measurable objectives for the corporation,  
31 which will provide the Legislature with a quantitative

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1 evaluation of the corporation. The corporation shall utilize  
2 the monitoring mechanisms and reports developed in the designs  
3 and provide these reports to the Governor, the President of  
4 the Senate, the Speaker of the House of Representatives, and  
5 the Office of Program Policy Analysis and Government  
6 Accountability.

7 (3) Prior to the 2001 Regular Session of the  
8 Legislature, the Office of Program Policy Analysis and  
9 Government Accountability shall perform a review and  
10 evaluation of the corporation using the research design  
11 promulgated pursuant to subsection (2). The report shall  
12 critique the corporation. A report of the findings and  
13 recommendations of the Office of Program Policy Analysis and  
14 Government Accountability shall be submitted to the President  
15 of the Senate and the Speaker of the House of Representatives  
16 prior to the 2001 Regular Session.

17 (4) The Division of Banking of the Department of  
18 Banking and Finance shall review the corporation's activities  
19 once every 24 months to determine compliance with this part  
20 and related laws and rules and to evaluate the corporation's  
21 operations. The division shall prepare a report based on its  
22 review and evaluation with recommendation for any corrective  
23 action. The president shall submit to the division regular  
24 reports on the corporation's activities. The content and  
25 frequency of such reports shall be determined by the division.  
26 The division may charge a fee for conducting the review and  
27 evaluation and preparing the related report, which fee shall  
28 not be in excess of the examination fee paid by chartered or  
29 licensed financial institutions.

30 Section 19. Section 331.367, Florida Statutes, is  
31 created to read:

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1           331.367 Spaceport Management Council.--  
2           (1) The Spaceport Management Council is created within  
3 the Spaceport Florida Authority to provide coordination and  
4 recommendations on projects and activities that will increase  
5 the operability and capabilities of Florida's space launch  
6 facilities, increase statewide space-related industry and  
7 opportunities, and promote space education and research within  
8 the state. The council shall work to develop integrated  
9 facility and programmatic development plans to address  
10 commercial, state, and federal requirements and to identify  
11 appropriate private, state, and federal resources to implement  
12 these plans.  
13           (2) The council shall make recommendations regarding:  
14           (a) The development of a spaceport master plan.  
15           (b) The projects and levels of commercial financing  
16 required from the Florida Commercial Space Financing  
17 Corporation created by s. 331.407.  
18           (c) Development and expansion of space-related  
19 education and research programs within Florida, including  
20 recommendations to be provided to the State University System,  
21 the Division of Community Colleges, and the Department of  
22 Education.  
23           (d) The regulation of spaceports and federal and state  
24 policy.  
25           (e) Florida's approach to the Federal Government  
26 regarding requests for funding of space development.  
27           (3)(a) The council shall consist of an executive  
28 board, which shall consist of representatives of governmental  
29 organizations with responsibilities for developing or  
30 operating space transportation facilities, and a Space  
31 Industry Committee, which shall consist of representatives of

1 Florida's space industry.

2 (b) The following individuals shall serve on the  
3 executive board:

4 1. The executive director of the Spaceport Florida  
5 Authority or his or her designee.

6 2. The director of the John F. Kennedy Space Center or  
7 his or her designee.

8 3. The Commander of the United States Air Force 45th  
9 Space Wing or his or her designee.

10 4. The Commander of the Naval Ordnance Test Unit or  
11 his or her designee.

12 5. The Secretary of Transportation or his or her  
13 designee.

14 6. The president of Enterprise Florida, Inc., or his  
15 or her designee, as an ex officio nonvoting member.

16 7. The director of the Office of Tourism, Trade, and  
17 Economic Development or his or her designee, as an ex officio  
18 nonvoting member.

19 (4) Each member shall be appointed to serve for a  
20 3-year term, beginning July 1. Initial appointments shall be  
21 made no later than 60 days after the effective date of this  
22 act.

23 (5) The executive board shall hold its initial meeting  
24 no later than 30 days after the members have been appointed.  
25 The Space Industry Committee shall hold its initial meeting no  
26 later than 60 days after the members have been appointed.

27 (6) All council members must be residents of the  
28 state.

29 (7) The council shall adopt bylaws governing the  
30 manner in which the business of the council shall be  
31 conducted. The bylaws shall specify the procedure by which the

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1 chairperson of the council is elected.

2 (8) The council shall provide infrastructure and  
3 program requirements and develop other information to be  
4 utilized in a 5-year spaceport master plan. The council shall  
5 define goals and objectives concerning the development of  
6 spaceport facilities and an intermodal transportation system  
7 consistent with the goals of the Florida Transportation Plan  
8 developed pursuant to s. 339.155.

9 (9) The council shall provide requirements and other  
10 information to be utilized in the development of a 5-year  
11 Spaceport Economic Development Plan, defining the goals and  
12 objectives of the council concerning the development of space  
13 manufacturing, research and development, and educational  
14 facilities.

15 (10) The council shall meet at the call of its  
16 chairperson, at the request of a majority of its membership,  
17 or at such times as may be prescribed in its bylaws. However,  
18 the council must meet at least semiannually. A majority of  
19 voting members of the council constitutes a quorum for the  
20 purpose of transacting the business of the council. A vote of  
21 the majority of the voting members present is sufficient for  
22 any action of the council, unless the bylaws of the council  
23 require a greater vote for a particular action.

24 Section 20. (1) There is created the Florida Space  
25 Research Institute the purpose of which is to serve as an  
26 industry-driven center for research, leveraging the state's  
27 resources in a collaborative effort to support Florida's space  
28 industry and its transition to commercialization.

29 (2) The institute shall operate as a public/private  
30 partnership under the direction of a board comprised of  
31 representatives of the Spaceport Florida Authority, Enterprise



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1 Florida, Inc., the Florida Aviation and Aerospace Alliance,  
2 and four additional space industry representatives selected by  
3 the core membership of the board.

4 (3) The board of the Florida Space Research Institute  
5 shall:

6 (a) Set the strategic direction for the institute  
7 including research priorities, the scope of research projects,  
8 and the timeframes for completion.

9 (b) Invite the participation of public and private  
10 universities including, but not limited to, the University of  
11 Central Florida, the University of Florida, the University of  
12 South Florida, Florida State University, Florida Institute of  
13 Technology, and the University of Miami.

14 (c) Select a lead university to serve as coordinator  
15 of research and as the administrative entity of the institute.

16 (4) By December 1 of each year, the institute shall  
17 submit a report of its activities and accomplishments for the  
18 prior fiscal year to the Governor, the President of the  
19 Senate, and the Speaker of the House of Representatives. The  
20 report shall also include recommendations regarding actions  
21 the state should take to enhance the development of  
22 space-related businesses, including:

23 (a) Future research activities.

24 (b) The development of capital and technology  
25 assistance to new and expanding industries.

26 (c) The removal of regulatory impediments.

27 (d) The establishment of business development  
28 incentives.

29 (e) The initiation of education and training programs  
30 to ensure a skilled workforce.

31 Section 21. If any provision of this act or the

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1 application thereof to any person or circumstance is held  
2 invalid, the invalidity does not affect other provisions or  
3 applications of the act which can be given effect without the  
4 invalid provision or application, and to this end the  
5 provisions of this act are declared severable.

6 Section 22. Section 196.1994, Florida Statutes, is  
7 amended to read:

8 196.1994 Space laboratories and carriers exemption.--

9 (1) Notwithstanding other provisions of this chapter,  
10 modules, pallets, racks, lockers, and their necessary  
11 associated hardware and subsystems owned by any person and  
12 intended for use as space laboratories launched into space  
13 aboard the space shuttle for the primary purpose of conducting  
14 scientific research in space or as cargo carriers launched  
15 into space aboard the space shuttle for the primary purpose of  
16 transporting or storing cargo are deemed to carry out a  
17 scientific purpose and are exempt from ad valorem taxation.

18 (2) This section is repealed July 1, 2004.

19 Section 23. It is the intent of the Legislature that  
20 the amendment to section 196.1994, Florida Statutes, by this  
21 section clarifies and confirms existing law with respect to  
22 the tax exemption provided for herein.

23 Section 24. The sum of \$1 million is appropriated from  
24 the General Revenue Fund to the Florida Commercial Space  
25 Financing Corporation for the purpose of implementing sections  
26 331.401-331.419, Florida Statutes, during the 1999-2000 fiscal  
27 year. The sum of \$500,000 is appropriated from the General  
28 Revenue Fund to the Florida Commercial Space Financing  
29 Corporation for corporate operations for the 1999-2000 fiscal  
30 year.

31 Section 25. This act shall take effect July 1, 1999.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6

A bill to be entitled

7

An act relating to the commercial space

8

industry; amending s. 330.30, F.S.; exempting

9

certain spaceports from a provision of law

10

relating to the approval of airport sites and

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the licensing of airports; amending s. 331.303,

12

F.S.; revising definitions with respect to the

13

Spaceport Florida Authority Act; amending s.

14

331.304, F.S.; revising the boundaries of

15

spaceport territory; amending s. 331.360, F.S.;

16

providing for the development of a spaceport

17

master plan; creating s. 332.008, F.S.;

18

providing limitation on the application of

19

chapter 332, F.S.; amending s. 334.03, F.S.;

20

redefining the term "transportation facility";

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amending s. 334.30, F.S.; authorizing a fixed

22

guideway transportation system operating within

23

the Department of Transportation's right-of-way

24

to operate at any safe speed; amending s.

25

339.155, F.S.; revising a provision of law

26

governing transportation planning to include

27

reference to spaceport master plans; amending

28

s. 339.175, F.S.; including reference to

29

spaceports and aerospace development with

30

respect to metropolitan planning organizations;

31

creating the Commission on the Future of

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1           Aeronautics and Space in Florida; providing for  
2           qualifications and appointment of members;  
3           directing the commission to study and make  
4           recommendations regarding specified areas  
5           relating to aeronautics and aerospace in the  
6           state; requiring reports; amending s. 196.012,  
7           F.S.; redefining the term "governmental  
8           purpose"; amending s. 212.08, F.S.; providing  
9           an exemption from the tax on sales, use, and  
10          other transactions; revising the application of  
11          the sales tax exemption for machinery and  
12          equipment used to increase productive output  
13          with respect to such machinery and equipment  
14          used in connection with spaceport activities;  
15          amending s. 288.063, F.S.; authorizing the  
16          Spaceport Florida Authority to enter into  
17          contracts for transportation projects; amending  
18          s. 288.075, F.S.; adding the Office of Tourism,  
19          Trade, and Economic Development and the  
20          Spaceport Florida Authority to a list of  
21          economic development agencies whose records are  
22          confidential; amending s. 288.35, F.S.;  
23          redefining the term "government agency";  
24          amending s. 288.9415, F.S.; authorizing the  
25          Spaceport Florida Authority to apply for  
26          international trade grants; amending s.  
27          331.309, F.S.; providing that funds of the  
28          authority may be deposited with the Florida  
29          Commercial Space Financing Corporation;  
30          creating part III of ch. 331, F.S., the Florida  
31          Commercial Space Financing Corporation Act;

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1 providing findings and intent; providing  
2 definitions; creating the Florida Commercial  
3 Space Financing Corporation; specifying the  
4 functions the corporation is authorized to  
5 carry out; providing for a board of directors  
6 of the corporation and for qualifications and  
7 appointment of members; providing powers of the  
8 corporation and the board; providing for fees;  
9 providing for rules; providing for insurance,  
10 coinsurance, loan guarantees, and loans for  
11 eligible space-related transactions; directing  
12 the board to establish an account to receive  
13 specified resources; providing for deposits in  
14 the account and for allocation of the account's  
15 resources; providing for appointment of a  
16 president of the corporation; providing powers  
17 and duties of the president; requiring an  
18 annual report; providing for development of a  
19 research design to evaluate the corporation;  
20 providing for a review and evaluation of the  
21 corporation by the Office of Program Policy  
22 Analysis and Government Accountability;  
23 providing for periodic reviews and reports by  
24 the Division of Banking; creating s. 331.367,  
25 F.S.; creating the Spaceport Management Council  
26 within the Spaceport Florida Authority;  
27 providing that the council shall make  
28 recommendations regarding specified areas;  
29 providing for an executive board and the  
30 membership thereof; providing duties of the  
31 council; providing duties with respect to a

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1 spaceport master plan; providing for  
 2 development of a Spaceport Economic Development  
 3 Plan; creating the Florida Space Research  
 4 Institute; prescribing the purposes of the  
 5 institute; providing for management and  
 6 operation of the institute; requiring a report;  
 7 amending s. 196.1994, F.S.; providing that  
 8 cargo carriers are exempt from ad valorem  
 9 taxes; providing intent; providing legislative  
 10 findings and declarations with respect to the  
 11 global competition that is encountered by the  
 12 state in attracting commercial space business  
 13 facilities; providing severability; providing  
 14 an appropriation; providing an effective date.

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