

By Senator Bronson

18-1461-99

1                                   A bill to be entitled  
2           An act relating to the commercial space  
3           industry; amending s. 14.2015, F.S.; providing  
4           for the Spaceport Florida Authority to become  
5           part of the economic development functions of  
6           the Office of Tourism, Trade, and Economic  
7           Development; amending s. 196.012, F.S.;  
8           redefining the term "governmental purpose";  
9           amending s. 196.1994, F.S.; expanding the space  
10          laboratories exemption from ad valorem  
11          taxation; amending s. 212.02, F.S.; redefining  
12          the term "retail sale" and defining the term  
13          "space operations"; providing legislative  
14          intent; amending ss. 212.031, 212.04, 212.06,  
15          212.08, F.S.; providing for exemptions from the  
16          tax on sales, use, and other transactions;  
17          providing legislative intent; amending s.  
18          288.063, F.S.; authorizing the Spaceport  
19          Florida Authority to make recommendations about  
20          and to enter into contracts for transportation  
21          projects; amending s. 288.075, F.S.; adding the  
22          Spaceport Florida Authority to a list of  
23          economic development agencies whose records are  
24          confidential; amending s. 288.108, F.S.;  
25          providing for the qualification of  
26          space-related development as a new high-impact  
27          sector business; amending s. 288.35, F.S.;  
28          redefining the term "government agency";  
29          amending s. 288.901, F.S.; adding a member to  
30          the board of directors of Enterprise Florida,  
31          Inc.; amending s. 288.905, F.S.; adding

1 aerospace economic development to the  
2 Enterprise Florida, Inc., strategic plan for  
3 the state; amending s. 288.9412, F.S.; adding a  
4 member to the board of directors of the  
5 International Trade and Economic Development  
6 Board; amending s. 288.9415, F.S.; authorizing  
7 the Spaceport Florida Authority to apply for  
8 international trade grants; amending s.  
9 288.975, 288.976, 288.977, 288.980, F.S.;  
10 providing for the Spaceport Florida Authority  
11 to become involved with military base closure  
12 and reuse; amending s. 331.305, F.S.;  
13 authorizing Spaceport Florida Authority  
14 personnel to participate in specified education  
15 and training; creating ss. 331.370, 331.371,  
16 331.372, 331.373, 331.374, 331.375, 331.377,  
17 331.378, 331.379, F.S.; creating the Florida  
18 Commercial Space Financing Corporation Act;  
19 providing legislative intent; defining terms;  
20 providing for the powers of the corporation;  
21 authorizing fees to defray operating expenses;  
22 creating a board of directors and specifying  
23 its powers and duties; providing for the board  
24 to appoint a president to administer the  
25 programs of the corporation; requiring an audit  
26 and review by other agencies; providing for  
27 revenues; creating s. 331.380, F.S.; creating  
28 the Florida Space Industry and Research  
29 Facility Development Program within the  
30 Spaceport Florida Authority to finance space  
31 industry research, manufacturing, and other

1 support programs; providing for funding and the  
2 deposit of funds into the Florida Spaceport  
3 Commercial Financing Corporation Trust Fund;  
4 creating s. 331.381, F.S.; creating the  
5 Spaceport Management Council within the  
6 Spaceport Florida Authority to coordinate  
7 activities increasing the operability of space  
8 launch facilities; providing for the membership  
9 and duties of an executive board and the Space  
10 Industry Committee within the Spaceport  
11 Management Council; providing for assistance  
12 from other state agencies; providing  
13 appropriations; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraphs (e) and (i) of subsection (2)  
18 and paragraphs (a) and (d) of subsection (9) of section  
19 14.2015, Florida Statutes, 1998 Supplement, are amended to  
20 read:

21 14.2015 Office of Tourism, Trade, and Economic  
22 Development; creation; powers and duties.--

23 (2) The purpose of the Office of Tourism, Trade, and  
24 Economic Development is to assist the Governor in working with  
25 the Legislature, state agencies, business leaders, and  
26 economic development professionals to formulate and implement  
27 coherent and consistent policies and strategies designed to  
28 provide economic opportunities for all Floridians. To  
29 accomplish such purposes, the Office of Tourism, Trade, and  
30 Economic Development shall:

31

1           (e) Assist the Governor, in cooperation with  
2 Enterprise Florida, Inc., ~~and~~ the Florida Commission on  
3 Tourism, and the Spaceport Florida Authority in preparing an  
4 annual report to the Legislature on the state of the business  
5 climate in Florida and on the state of economic development in  
6 Florida which will include the identification of problems and  
7 the recommendation of solutions. This report shall be  
8 submitted to the President of the Senate, the Speaker of the  
9 House of Representatives, the Senate Minority Leader, and the  
10 House Minority Leader by January 1 of each year, and it shall  
11 be in addition to the Governor's message to the Legislature  
12 under the State Constitution and any other economic reports  
13 required by law.

14           (i) Prepare and submit as a separate budget entity a  
15 unified budget request for tourism, trade, and economic  
16 development in accordance with chapter 216 for, and in  
17 conjunction with, Enterprise Florida, Inc., and its boards,  
18 the Florida Commission on Tourism and its direct-support  
19 organization, the Florida Black Business Investment Board, ~~and~~  
20 the direct-support organizations created to promote the  
21 entertainment and sports industries, and the Spaceport Florida  
22 Authority.

23           (9)(a) Subject to the cooperative recommendations of  
24 Enterprise Florida, Inc., ~~and~~ the Florida Commission on  
25 Tourism, and the Florida Spaceport Authority and also to the  
26 approval of the Governor, the Office of Tourism, Trade, and  
27 Economic Development is authorized to expend appropriated  
28 state and federal funds for general economic development  
29 grants. The office shall establish criteria for the award of  
30 grants, including criteria relating to highest economic return  
31 for the state as a whole, or a particular region, county,

1 city, or community, ability to properly administer grant  
2 funds, and such other matters deemed necessary and appropriate  
3 to further the purposes of this subsection. The office shall  
4 expend all funds in accordance with state law and shall use  
5 such appropriations to supplement the financial support of:

6 1. Programs that have a substantial economic  
7 significance, giving emphasis to programs that benefit the  
8 state as a whole.

9 2. Programs with a high potential for match funding  
10 from nonstate sources.

11 3. Economic development programs for which no other  
12 state grants are available.

13 4. Rural areas and distressed urban areas.

14 (d) The office shall not award any new grant which  
15 will, in whole or in part, inure to the personal benefit of  
16 any board member of Enterprise Florida, Inc., ~~or~~ the Florida  
17 Commission on Tourism, or the Spaceport Florida Authority  
18 during that member's term of office, if the board member  
19 participated in the vote of the board or panel thereof  
20 recommending the award. However, this subsection does not  
21 prohibit the office from awarding a grant to an entity with  
22 which a board member is associated.

23 Section 2. Subsection (6) of section 196.012, Florida  
24 Statutes, is amended to read:

25 196.012 Definitions.--For the purpose of this chapter,  
26 the following terms are defined as follows, except where the  
27 context clearly indicates otherwise:

28 (6) Governmental, municipal, or public purpose or  
29 function shall be deemed to be served or performed when the  
30 lessee under any leasehold interest created in property of the  
31 United States, the state or any of its political subdivisions,

1 | or any municipality, agency, special district, authority, or  
2 | other public body corporate of the state is demonstrated to  
3 | perform a function or serve a governmental purpose which could  
4 | properly be performed or served by an appropriate governmental  
5 | unit or which is demonstrated to perform a function or serve a  
6 | purpose which would otherwise be a valid subject for the  
7 | allocation of public funds. For purposes of the preceding  
8 | sentence, an activity undertaken by a lessee which is  
9 | permitted under the terms of its lease of real property  
10 | designated as an aviation area on an airport layout plan which  
11 | has been approved by the Federal Aviation Administration and  
12 | which real property is used for the administration, operation,  
13 | business offices and activities related specifically thereto  
14 | in connection with the conduct of an aircraft full service  
15 | fixed base operation which provides goods and services to the  
16 | general aviation public in the promotion of air commerce shall  
17 | be deemed an activity which serves a governmental, municipal,  
18 | or public purpose or function. Any activity undertaken by a  
19 | lessee which is permitted under the terms of its lease of real  
20 | property designated as a public airport as defined in s.  
21 | 332.004(14) by municipalities, agencies, special districts,  
22 | authorities, or other public bodies corporate and public  
23 | bodies politic of the state, or which is located in a  
24 | deepwater port identified in s. 403.021(9)(b) and owned by one  
25 | of the foregoing governmental units, subject to a leasehold or  
26 | other possessory interest of a nongovernmental lessee that is  
27 | deemed to perform an aviation or airport or maritime or port  
28 | purpose or operation shall be deemed an activity that serves a  
29 | governmental, municipal, or public purpose. The use by a  
30 | lessee, licensee, or management company of real property or a  
31 | portion thereof as a convention center, visitor center, sports

1 facility with permanent seating, concert hall, arena, stadium,  
2 park, or beach is deemed a use that serves a governmental,  
3 municipal, or public purpose or function when access to the  
4 property is open to the general public with or without a  
5 charge for admission. If property deeded to a municipality by  
6 the United States is subject to a requirement that the Federal  
7 Government, through a schedule established by the Secretary of  
8 the Interior, determine that the property is being maintained  
9 for public historic preservation, park, or recreational  
10 purposes and if those conditions are not met the property will  
11 revert back to the Federal Government, then such property  
12 shall be deemed to serve a municipal or public purpose. The  
13 term "governmental purpose" also includes a direct use of  
14 property on federal lands in connection with the Federal  
15 Government's Space Exploration Program or spaceport activities  
16 as defined in s. 212.02(22). Real property and tangible  
17 personal property owned by the Federal Government or the  
18 Spaceport Florida Authority and used for defense and space  
19 exploration purposes or which is put to a use in support  
20 thereof shall be deemed to perform an essential national  
21 governmental purpose and shall be exempt. "Owned by the  
22 lessee" as used in this chapter does not include personal  
23 property, buildings, or other real property improvements used  
24 for the administration, operation, business offices and  
25 activities related specifically thereto in connection with the  
26 conduct of an aircraft full service fixed based operation  
27 which provides goods and services to the general aviation  
28 public in the promotion of air commerce provided that the real  
29 property is designated as an aviation area on an airport  
30 layout plan approved by the Federal Aviation Administration.  
31 For purposes of determination of "ownership," buildings and

1 other real property improvements which will revert to the  
2 airport authority or other governmental unit upon expiration  
3 of the term of the lease shall be deemed "owned" by the  
4 governmental unit and not the lessee. Providing two-way  
5 telecommunications services to the public for hire by the use  
6 of a telecommunications facility, as defined in s. 364.02(13),  
7 and for which a certificate is required under chapter 364 does  
8 not constitute an exempt use for purposes of s. 196.199,  
9 unless the telecommunications services are provided by the  
10 operator of a public-use airport, as defined in s. 332.004,  
11 for the operator's provision of telecommunications services  
12 for the airport or its tenants, concessionaires, or licensees,  
13 or unless the telecommunications services are provided by a  
14 public hospital. However, property that is being used to  
15 provide such telecommunications services on or before October  
16 1, 1997, shall remain exempt, but such exemption expires  
17 October 1, 2004.

18 Section 3. Section 196.1994, Florida Statutes, is  
19 amended to read:

20 196.1994 Space laboratories exemption.--

21 (1) Notwithstanding other provisions of this chapter,  
22 modules, racks, lockers, and their necessary subsystems owned  
23 by any person and intended for use as space laboratories  
24 launched into space aboard the space shuttle or other space  
25 transportation systems for the primary purpose of conducting  
26 scientific research in space are deemed to carry out a  
27 scientific purpose and are exempt from ad valorem taxation.

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

29 Section 4. Paragraph (a) of subsection (14) of section  
30 212.02, Florida Statutes, 1998 Supplement, is amended, present  
31 subsections (24) through (33) are redesignated as subsections



1 (25) through (34), respectively, and new subsection (24) is  
2 added to that section, to read:

3 212.02 Definitions.--The following terms and phrases  
4 when used in this chapter have the meanings ascribed to them  
5 in this section, except where the context clearly indicates a  
6 different meaning:

7 (14)(a) "Retail sale" or a "sale at retail" means a  
8 sale to a consumer or to any person for any purpose other than  
9 for resale in the form of tangible personal property or  
10 services taxable under this chapter, and includes all such  
11 transactions that may be made in lieu of retail sales or sales  
12 at retail. A sale for resale includes a sale of qualifying  
13 property as defined in this paragraph. The term "qualifying  
14 property" means tangible personal property used or consumed by  
15 a government contractor in the performance of a qualifying  
16 contract, as defined in s. 212.06(17)(a), the cost of which  
17 property is allocated or charged as a direct item of cost to  
18 such contract, and title to which property vests in or passes  
19 to the government under the contract. The contractor's use of  
20 qualifying property in performing a qualifying contract is not  
21 a "use" within the meaning of subsection (20) or any other  
22 provision of this chapter.

23 (24) "Space operations" means the processing, fueling,  
24 launching, and controlling of space flight vehicles and  
25 satellites, including related assembly and test operations,  
26 gas liquification and co-generation facilities; and related  
27 space activities as determined by the Office of Tourism,  
28 Trade, and Economic Development.

29 Section 5. It is the intent of the Legislature that  
30 the amendment to section 212.20(14), Florida Statutes, by this  
31

1 act clarifies and confirms existing law with respect to the  
2 taxes imposed by chapter 212, Florida Statutes.

3 Section 6. Paragraph (a) of subsection (1) of section  
4 212.031, Florida Statutes, 1998 Supplement, is amended to  
5 read:

6 212.031 Lease or rental of or license in real  
7 property.--

8 (1)(a) It is declared to be the legislative intent  
9 that every person is exercising a taxable privilege who  
10 engages in the business of renting, leasing, letting, or  
11 granting a license for the use of any real property unless  
12 such property is:

13 1. Assessed as agricultural property under s. 193.461.

14 2. Used exclusively as dwelling units.

15 3. Property subject to tax on parking, docking, or  
16 storage spaces under s. 212.03(6).

17 4. Recreational property or the common elements of a  
18 condominium when subject to a lease between the developer or  
19 owner thereof and the condominium association in its own right  
20 or as agent for the owners of individual condominium units or  
21 the owners of individual condominium units. However, only the  
22 lease payments on such property shall be exempt from the tax  
23 imposed by this chapter, and any other use made by the owner  
24 or the condominium association shall be fully taxable under  
25 this chapter.

26 5. A public or private street or right-of-way occupied  
27 or used by a utility for utility purposes.

28 6. A public street or road which is used for  
29 transportation purposes.

30 7. Property used at an airport exclusively for the  
31 purpose of aircraft landing or aircraft taxiing or property

1 used by an airline for the purpose of loading or unloading  
2 passengers or property onto or from aircraft or for fueling  
3 aircraft.

4 8.a. Property used at a port authority, as defined in  
5 s. 315.02(2), exclusively for the purpose of oceangoing  
6 vessels or tugs docking, or such vessels mooring on property  
7 used by a port authority for the purpose of loading or  
8 unloading passengers or cargo onto or from such a vessel, or  
9 property used at a port authority for fueling such vessels, or  
10 to the extent that the amount paid for the use of any property  
11 at the port is based on the charge for the amount of tonnage  
12 actually imported or exported through the port by a tenant.

13 b. The amount charged for the use of any property at  
14 the port in excess of the amount charged for tonnage actually  
15 imported or exported shall remain subject to tax except as  
16 provided in sub-subparagraph a.

17 9. Property within spaceport territory leased from the  
18 Spaceport Florida Authority which is used for spaceport  
19 activities or space operations.

20 10.9. Property used as an integral part of the  
21 performance of qualified production services. As used in this  
22 subparagraph, the term "qualified production services" means  
23 any activity or service performed directly in connection with  
24 the production of a qualified motion picture, as defined in s.  
25 212.06(1)(b), and includes:

26 a. Photography, sound and recording, casting, location  
27 managing and scouting, shooting, creation of special and  
28 optical effects, animation, adaptation (language, media,  
29 electronic, or otherwise), technological modifications,  
30 computer graphics, set and stage support (such as  
31 electricians, lighting designers and operators, greensmen,

1 prop managers and assistants, and grips), wardrobe (design,  
2 preparation, and management), hair and makeup (design,  
3 production, and application), performing (such as acting,  
4 dancing, and playing), designing and executing stunts,  
5 coaching, consulting, writing, scoring, composing,  
6 choreographing, script supervising, directing, producing,  
7 transmitting dailies, dubbing, mixing, editing, cutting,  
8 looping, printing, processing, duplicating, storing, and  
9 distributing;

10           b. The design, planning, engineering, construction,  
11 alteration, repair, and maintenance of real or personal  
12 property including stages, sets, props, models, paintings, and  
13 facilities principally required for the performance of those  
14 services listed in sub-subparagraph a.; and

15           c. Property management services directly related to  
16 property used in connection with the services described in  
17 sub-subparagraphs a. and b.

18           11.10. Leased, subleased, or rented to a person  
19 providing food and drink concessionaire services within the  
20 premises of a movie theater, a business operated under a  
21 permit issued pursuant to chapter 550, or any publicly owned  
22 arena, sports stadium, convention hall, exhibition hall,  
23 auditorium, or recreational facility. A person providing  
24 retail concessionaire services involving the sale of food and  
25 drink or other tangible personal property within the premises  
26 of an airport shall be subject to tax on the rental of real  
27 property used for that purpose, but shall not be subject to  
28 the tax on any license to use the property. For purposes of  
29 this subparagraph, the term "sale" shall not include the  
30 leasing of tangible personal property.

31

1           12.11. Property occupied pursuant to an instrument  
2 calling for payments which the department has declared, in a  
3 Technical Assistance Advisement issued on or before March 15,  
4 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),  
5 Florida Administrative Code; provided that this subparagraph  
6 shall only apply to property occupied by the same person  
7 before and after the execution of the subject instrument and  
8 only to those payments made pursuant to such instrument,  
9 exclusive of renewals and extensions thereof occurring after  
10 March 15, 1993.

11           Section 7. Paragraph (a) of subsection (2) of section  
12 212.04, Florida Statutes, 1998 Supplement, is amended to read:

13           212.04 Admissions tax; rate, procedure, enforcement.--

14           (2)(a)1. No tax shall be levied on admissions to  
15 athletic or other events sponsored by elementary schools,  
16 junior high schools, middle schools, high schools, community  
17 colleges, public or private colleges and universities, deaf  
18 and blind schools, facilities of the youth services programs  
19 of the Department of Children and Family Services, and state  
20 correctional institutions when only student, faculty, or  
21 inmate talent is used. However, this exemption shall not apply  
22 to admission to athletic events sponsored by an institution  
23 within the State University System, and the proceeds of the  
24 tax collected on such admissions shall be retained and used by  
25 each institution to support women's athletics as provided in  
26 s. 240.533(3)(c).

27           2.a. No tax shall be levied on dues, membership fees,  
28 and admission charges imposed by not-for-profit sponsoring  
29 organizations. To receive this exemption, the sponsoring  
30 organization must qualify as a not-for-profit entity under the  
31

1 provisions of s. 501(c)(3) of the Internal Revenue Code of  
2 1954, as amended.

3         b. No tax imposed by this section and not actually  
4 collected before August 1, 1992, shall be due from any museum  
5 or historic building owned by any political subdivision of the  
6 state.

7         3. No tax shall be levied on an admission paid by a  
8 student, or on the student's behalf, to any required place of  
9 sport or recreation if the student's participation in the  
10 sport or recreational activity is required as a part of a  
11 program or activity sponsored by, and under the jurisdiction  
12 of, the student's educational institution, provided his or her  
13 attendance is as a participant and not as a spectator.

14         4. No tax shall be levied on admissions to the  
15 National Football League championship game, on admissions to  
16 any semifinal game or championship game of a national  
17 collegiate tournament, or on admissions to a Major League  
18 Baseball all-star game.

19         5. A participation fee or sponsorship fee imposed by a  
20 governmental entity as described in s. 212.08(6) for an  
21 athletic or recreational program is exempt when the  
22 governmental entity by itself, or in conjunction with an  
23 organization exempt under s. 501(c)(3) of the Internal Revenue  
24 Code of 1954, as amended, sponsors, administers, plans,  
25 supervises, directs, and controls the athletic or recreational  
26 program.

27         6. Also exempt from the tax imposed by this section to  
28 the extent provided in this subparagraph are admissions to  
29 live theater, live opera, or live ballet productions in this  
30 state which are sponsored by an organization that has received  
31 a determination from the Internal Revenue Service that the

1 organization is exempt from federal income tax under s.  
2 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
3 the organization actively participates in planning and  
4 conducting the event, is responsible for the safety and  
5 success of the event, is organized for the purpose of  
6 sponsoring live theater, live opera, or live ballet  
7 productions in this state, has more than 10,000 subscribing  
8 members and has among the stated purposes in its charter the  
9 promotion of arts education in the communities which it  
10 serves, and will receive at least 20 percent of the net  
11 profits, if any, of the events which the organization sponsors  
12 and will bear the risk of at least 20 percent of the losses,  
13 if any, from the events which it sponsors if the organization  
14 employs other persons as agents to provide services in  
15 connection with a sponsored event. Prior to March 1 of each  
16 year, such organization may apply to the department for a  
17 certificate of exemption for admissions to such events  
18 sponsored in this state by the organization during the  
19 immediately following state fiscal year. The application shall  
20 state the total dollar amount of admissions receipts collected  
21 by the organization or its agents from such events in this  
22 state sponsored by the organization or its agents in the year  
23 immediately preceding the year in which the organization  
24 applies for the exemption. Such organization shall receive the  
25 exemption only to the extent of \$1.5 million multiplied by the  
26 ratio that such receipts bear to the total of such receipts of  
27 all organizations applying for the exemption in such year;  
28 however, in no event shall such exemption granted to any  
29 organization exceed 6 percent of such admissions receipts  
30 collected by the organization or its agents in the year  
31 immediately preceding the year in which the organization

1 applies for the exemption. Each organization receiving the  
2 exemption shall report each month to the department the total  
3 admissions receipts collected from such events sponsored by  
4 the organization during the preceding month and shall remit to  
5 the department an amount equal to 6 percent of such receipts  
6 reduced by any amount remaining under the exemption. Tickets  
7 for such events sold by such organizations shall not reflect  
8 the tax otherwise imposed under this section.

9 7. Also exempt from the tax imposed by this section to  
10 the extent provided in this subparagraph are admissions to  
11 tours of a national space center, to the extent that the  
12 concessionaire or operator of the tours remits to the National  
13 Aeronautics and Space Administration's Florida Space Grant  
14 Consortium an amount equivalent to the tax that would  
15 otherwise be imposed by this section. The Florida Space Grant  
16 Consortium shall use funds received pursuant to this  
17 subparagraph exclusively for space-related research grants to  
18 state universities and independent colleges and universities,  
19 community colleges, public school districts, and  
20 not-for-profit educational organizations within the state. In  
21 awarding these grants, the Florida Space Grant Consortium  
22 shall give consideration to proposals relating to the  
23 development of commercial space-related technology, Center of  
24 Excellence initiatives at the John F. Kennedy Space Center,  
25 and new initiatives by NASA and other federal agencies; and  
26 shall consult with the Spaceport Florida Authority to maximize  
27 consistency with the state space-related development  
28 activities established in part II of chapter 331.

29 ~~8.7.~~ Also exempt from the tax imposed by this section  
30 are entry fees for participation in freshwater fishing  
31 tournaments.



1           ~~9.8.~~ Also exempt from the tax imposed by this section  
2 are participation or entry fees charged to participants in a  
3 game, race, or other sport or recreational event if spectators  
4 are charged a taxable admission to such event.

5           ~~10.9.~~ No tax shall be levied on admissions to any  
6 postseason collegiate football game sanctioned by the National  
7 Collegiate Athletic Association.

8           Section 8. Subsection (17) is added to section 212.06,  
9 Florida Statutes, 1998 Supplement, to read:

10           212.06 Sales, storage, use tax; collectible from  
11 dealers; "dealer" defined; dealers to collect from purchasers;  
12 legislative intent as to scope of tax.--

13           (17)(a) The taxes imposed by this chapter do not apply  
14 to the sale to or use by a government contractor of overhead  
15 materials as defined in this paragraph. The term "overhead  
16 materials" means any tangible personal property used or  
17 consumed in the performance of a qualifying contract, as  
18 defined in this paragraph, the cost of which is being  
19 allocated, in whole or in part, to two or more contracts, at  
20 least one of which is a qualifying contract, title to which  
21 property vests in or passes to the government under the  
22 contract. The term "qualifying contract" means a contract with  
23 the United States Department of Defense or the National  
24 Aeronautics and Space Administration, or a subcontract  
25 thereunder, which relates to matters of national defense, to  
26 space flight as defined in s. 212.02(23), or to other NASA or  
27 Department of Defense aviation or aerospace efforts or  
28 programs.

29           (b) Notwithstanding paragraph (a), the tax is  
30 applicable to 75 percent of the sales price or cost price of  
31 such overhead materials from July 1, 1999, through June 30,

1 2000; to 50 percent of the sales price or cost price from July  
2 1, 2000, through June 30, 2001; and to 25 percent of the sales  
3 price or cost price from July 1, 2001, through June 30, 2002,  
4 after which date none of the sales price or cost price of such  
5 overhead materials is subject to any further taxes under this  
6 chapter.

7 Section 9. The amendment to section 212.06, Florida  
8 Statutes, by this act is not an expression of legislative  
9 intent as to the applicability of any tax to any sale or use  
10 of overhead materials before July 1, 1999, nor does it imply  
11 that transactions or costs not described in section 196.012,  
12 Florida Statutes, as amended by this act are taxable.

13 Section 10. Paragraph (b) of subsection (5) of section  
14 212.08, Florida Statutes, 1998 Supplement, is amended and  
15 paragraph (m) is added to that subsection to read:

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

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

23 (b) Machinery and equipment used to increase  
24 productive output.--

25 1. Industrial machinery and equipment purchased for  
26 exclusive use in spaceport activities as defined in s. 212.02  
27 or for use in new businesses which manufacture, process,  
28 compound, or produce for sale, ~~or for exclusive use in~~  
29 ~~spaceport activities as defined in s. 212.02,~~ items of  
30 tangible personal property at fixed locations are exempt from  
31 the tax imposed by this chapter upon an affirmative showing by

1 the taxpayer to the satisfaction of the department that such  
2 items are used in a new business in this state. Such purchases  
3 must be made prior to the date the business first begins its  
4 productive operations, and delivery of the purchased item must  
5 be made within 12 months of that date.

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

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

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

1 expanded business exemption is being sought. Upon a tentative  
2 affirmative determination by the department pursuant to  
3 subparagraph 1. or subparagraph 2., the department shall issue  
4 such permit.

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

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

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

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

1 manner and form of refund applications and may establish  
2 guidelines as to the requisites for an affirmative showing of  
3 increased productive output, commencement of production, and  
4 qualification for exemption.

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

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

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

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

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

28           (m) Machinery and equipment used in space operations,  
29 space flight, and space research and development.--

30           1. Industrial machinery and equipment purchased for  
31 use in space operations facilities certified under

1 subparagraph 5. for space operations, or to manufacture,  
2 process, compound, or produce space flight products for sale  
3 or for use by these facilities are exempt from the tax imposed  
4 by this chapter.

5 2. Machinery and equipment are exempt from the tax  
6 imposed by this chapter if purchased for use predominately in  
7 space research and development activities in a space research  
8 and development facility certified under subparagraph 5.

9 3. In addition to meeting the criteria mandated by  
10 subparagraph 1. or subparagraph 2., a business must be  
11 certified by the Office of Tourism, Trade, and Economic  
12 Development as authorized in this paragraph in order to  
13 qualify for exemption under this paragraph.

14 4. For items purchased tax exempt pursuant to this  
15 paragraph, possession of a written certification from the  
16 purchaser, certifying the purchaser's entitlement to exemption  
17 pursuant to this paragraph, relieves the seller of the  
18 responsibility of collecting the tax on the sale of such  
19 items, and the department shall look solely to the purchaser  
20 for recovery of the tax if it determines that the purchaser  
21 was not entitled to the exemption.

22 5.a. To be eligible to receive the exemption provided  
23 by subparagraph 1. or subparagraph 2., a qualifying business  
24 entity shall apply to the Spaceport Florida Authority. The  
25 application shall be developed by the Office of Tourism,  
26 Trade, and Economic Development in consultation with the  
27 Spaceport Florida Authority.

28 b. The Spaceport Florida Authority shall review each  
29 submitted application and information and determine whether or  
30 not the application is complete within 5 working days. Once an  
31 application is complete, the Spaceport Florida Authority

1 shall, within 10 working days, evaluate the application and  
2 recommend approval or disapproval of the application to the  
3 Office of Tourism, Trade, and Economic Development.

4 c. Upon receipt of the application and recommendation  
5 from the Spaceport Florida Authority, the Office of Tourism,  
6 Trade, and Economic Development shall certify within 5 working  
7 days those applicants who are found to meet the requirements  
8 of this section and notify the applicant, the Spaceport  
9 Florida Authority, and the department of the certification. If  
10 the Office of Tourism, Trade, and Economic Development finds  
11 that the applicant does not meet the requirements of this  
12 section, it shall notify the applicant and the Spaceport  
13 Florida Authority within 10 working days that the application  
14 for certification has been denied and the reasons for denial.  
15 The office of Tourism, Trade, and Economic Development has  
16 final approval authority for certification under this section.

17 6.a. A business certified to receive this exemption  
18 may apply once each year for the exemption.

19 b. The first claim submitted by a business may include  
20 all eligible expenditures made after the date the business was  
21 certified.

22 c. To apply for the annual exemption, the business  
23 shall submit a claim to the Office of Tourism, Trade, and  
24 Economic Development, which claim indicates and documents the  
25 sales and use taxes otherwise payable on eligible machinery  
26 and equipment. The claim must also indicate, for program  
27 evaluation purposes only, the average number of full-time  
28 equivalent employees at the facility over the preceding  
29 calendar year, the average wage and benefits paid to those  
30 employees over the preceding calendar year, and the total  
31 investment made in real and tangible personal property over



1 the preceding calendar year or, for the first claim submitted,  
2 since the date of certification. The department shall assist  
3 the Office of Tourism, Trade, and Economic Development in  
4 evaluating and verifying information provided in the  
5 application for exemption.

6 d. The Office of Tourism, Trade, and Economic  
7 Development may use the information reported on the claims for  
8 evaluation purposes only and shall prepare an annual report on  
9 the exemption program and its cost and impact. The annual  
10 report for the preceding fiscal year shall be submitted to the  
11 Governor, the President of the Senate, and the Speaker of the  
12 House of Representatives by September 30 of each fiscal year.  
13 This report may be submitted in conjunction with the annual  
14 report required in s. 288.095(3)(c).

15 7. A business certified to receive this exemption may  
16 elect to designate one or more state universities or community  
17 colleges as recipients of up to 100 percent of the amount of  
18 the exemption for which they may qualify. To receive these  
19 funds, the institution must agree to match the funds so earned  
20 with equivalent cash, programs, services, or other in-kind  
21 support on a one-to-one basis in the pursuit of research and  
22 development projects as requested by the certified business.  
23 The rights to any patents, royalties, or real or intellectual  
24 property must be vested in the business unless otherwise  
25 agreed to by the business and the university or community  
26 college.

27 8. As used in this paragraph, the term:

28 a. "Predominately" means at least 50 percent of the  
29 time in qualifying research and development.

30 b. "Research and development" means basic and applied  
31 research in the sciences or engineering, as well as the

1 design, development, and testing or prototypes or processes of  
2 new or improved products. Research and development does not  
3 include market research, routine consumer product testing,  
4 sales research, research in the social sciences or psychology,  
5 nontechnological activities, or technical services.

6 c. "Space operations" means the processing, fueling,  
7 and launching of vehicles and satellites to enable space  
8 flight, including related assembly and test operations, gas  
9 liquification and co-generation facilities; and related space  
10 operations activities as determined by the Office of Tourism,  
11 Trade, and Economic Development. The term does not include the  
12 sale of telecommunications products or services.

13 9. This exemption is not affected by the failure of a  
14 launch to occur or the destruction of a launch vehicle or any  
15 components thereof.

16 Section 11. Subsections (1) and (4) of section  
17 288.063, Florida Statutes, 1998 Supplement, are amended,  
18 present subsections (7), (8), and (9) are redesignated as  
19 subsections (9), (10), and (11), respectively, and new  
20 subsections (7) and (8) are added to that section to read:

21 288.063 Contracts for transportation projects.--

22 (1) The Office of Tourism, Trade, and Economic  
23 Development is authorized to make, and based on a  
24 recommendation from Enterprise Florida, Inc., or the Spaceport  
25 Florida Authority, to approve, expenditures and enter into  
26 contracts for direct costs of transportation projects with the  
27 appropriate governmental body. The Office of Tourism, Trade,  
28 and Economic Development has final approval authority for any  
29 project under this section.

30 (4) The Office of Tourism, Trade, and Economic  
31 Development may adopt criteria by which transportation

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

21 (7) The Spaceport Florida Authority may be the  
22 contracting agency when the project is within spaceport  
23 territory as defined in s. 331.304.

24 (8) The Spaceport Florida Authority may be considered  
25 to be the local government when the project is within  
26 spaceport territory as defined in s. 331.304.

27 Section 12. Subsection (1) of section 288.075, Florida  
28 Statutes, is amended to read:

29 288.075 Confidentiality of records.--

30 (1) As used in this section, the term "economic  
31 development agency" means the Division of Economic Development

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

15 Section 13. Paragraph (j) is added to subsection (6)  
16 of section 288.108, Florida Statutes, to read:

17 288.108 High-impact business.--

18 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT  
19 SECTORS.--

20 (j) For the purposes of this subsection, a high-impact  
21 sector consists of the commercial space-related development  
22 opportunities for business, education, and government and  
23 space-related economic growth and educational development  
24 responsibilities assigned to the Spaceport Florida Authority  
25 under s. 331.302. Enterprise Florida, Inc., shall develop and  
26 implement its commercial space-related high-impact-sector  
27 strategy in close consultation with the Spaceport Florida  
28 Authority.

29 Section 14. Subsection (2) of section 288.35, Florida  
30 Statutes, is amended to read:

31

1           288.35 Definitions.--The following terms, wherever  
2 used or referred to in this part, shall have the following  
3 meanings:

4           (2) "Government agency" means the state or any county  
5 or political subdivision thereof; any state agency; any  
6 consolidated government of a county, and some or all of the  
7 municipalities located within said county; any chartered  
8 municipality in the state; and any of the institutions of such  
9 consolidated governments, counties, or municipalities.

10 Specifically included are airports, port authorities, ~~and~~  
11 industrial authorities, and the Spaceport Florida Authority.

12           Section 15. Paragraph (1) is added to subsection (3)  
13 of section 288.901, Florida Statutes, to read:

14           288.901 Enterprise Florida, Inc.; creation;  
15 membership; organization; meetings; disclosure.--

16           (3) Enterprise Florida, Inc., shall be governed by a  
17 board of directors. The board of directors shall consist of  
18 the following members:

19           (1) The chairperson of the Board of Supervisors of the  
20 Spaceport Florida Authority.

21           Section 16. Present paragraphs (i) and (j) of  
22 subsection (2) of section 288.905, Florida Statutes, are  
23 redesignated as paragraphs (j) and (k), respectively, and new  
24 paragraph (i) is added to that subsection, present subsections  
25 (5) and (6) of that section are redesignated as subsections  
26 (6) and (7), respectively, and a new subsection (5) is added  
27 to that section to read:

28           288.905 Duties of the board of directors of Enterprise  
29 Florida, Inc.--

30           (2) The board of directors shall, in conjunction with  
31 the Office of Tourism, Trade, and Economic Development,

1 develop a strategic plan for economic development for the  
2 State of Florida. Such plan shall be submitted to the  
3 Governor, the President of the Senate, the Speaker of the  
4 House of Representatives, the Senate Minority Leader, and the  
5 House Minority Leader by January 1, 1997, and shall be updated  
6 or modified before January 1, 1998, and annually thereafter.  
7 The plan must be approved by the board of directors prior to  
8 submission to the Governor and Legislature. The plan shall  
9 include, but is not limited to:

10 (i) Promotion and expansion of commercial and  
11 governmental aerospace activities in this state, including  
12 internationally marketing Florida-based aerospace companies  
13 and services.

14 (5) The board of directors shall coordinate the  
15 aerospace economic development activities and policies of  
16 Enterprise Florida, Inc., with the Spaceport Florida Authority  
17 created in part II of chapter 331.

18 Section 17. Paragraph (g) of subsection (2) of section  
19 288.9412, Florida Statutes, is amended to read:

20 288.9412 International Trade and Economic Development  
21 Board.--

22 (2) The International Trade and Economic Development  
23 Board shall be governed by a board of directors. The board of  
24 directors shall consist of the following members:

25 (g) Members to be appointed by the Governor, subject  
26 to confirmation by the Senate, consisting of the following:

27 1. The chairperson of the World Trade Association of  
28 Florida or the chairperson's designee.

29 2. Two representatives from the state's deepwater  
30 ports, chosen from a list of three names submitted to the  
31 Governor by the Florida Ports Council. One representative

1 shall be from the Gulf of Mexico coast ports, and one  
2 representative shall be from the Atlantic coast ports.

3 3. The chairperson of the Florida Airport Managers  
4 Association or the chairperson's designee.

5 4. The chairperson of the Spaceport Florida Authority  
6 Board of Supervisors or the chairperson's designee.

7 ~~5.4.~~ The chairperson of the Florida Custom Brokers and  
8 Forwarders Association or the chairperson's designee.

9 ~~6.5.~~ A person having extensive experience in foreign  
10 language instruction or international education.

11 ~~7.6.~~ The chairperson of the International Law Section  
12 of The Florida Bar or the chairperson's designee.

13 ~~8.7.~~ The chairperson of the Florida International  
14 Banking Association or the chairperson's designee.

15 ~~9.8.~~ A representative of a company in this state that  
16 is actively engaged in the manufacture of products in this  
17 state for sale in foreign markets.

18 ~~10.9.~~ A member of the Florida Citrus Commission  
19 experienced in the exportation of citrus products who owns,  
20 operates, or is employed by a major company in this state that  
21 is actively engaged in the exportation of citrus products from  
22 this state to international markets.

23 ~~11.10.~~ A representative of a major multinational  
24 company with offices in this state.

25 ~~12.11.~~ The chairperson of the Latin Chamber of  
26 Commerce of the United States or the chairperson's designee.

27 Section 18. Subsection (2) of section 288.9415,  
28 Florida Statutes, is amended to read:

29 288.9415 International Trade Grants.--

30 (2) A county, municipality, economic development  
31 council, the Spaceport Florida Authority, or a not-for-profit

1 association of businesses organized to assist in the promotion  
2 of international trade may apply for a grant of state funds  
3 for the promotion of international trade.

4 Section 19. Paragraph (a) of subsection (4) and  
5 subsection (9) of section 288.975, Florida Statutes, 1998  
6 Supplement, are amended to read:

7 288.975 Military base reuse plans.--

8 (4)(a) Military base reuse plans shall contain the  
9 following elements: future land use; intergovernmental  
10 coordination; transportation, which shall include roads,  
11 public transportation, and ports, aviation, space  
12 transportation, and related facilities; capital improvements;  
13 coastal management, where applicable; recreation and open  
14 space; housing; conservation; and general infrastructure,  
15 which shall include potable water, sanitary sewer, solid  
16 waste, aquifer recharge, and stormwater management. Each  
17 element of the plan shall contain standards to assure  
18 compatibility with and minimize impacts on the surrounding  
19 community. Each element shall comply with the nonprocedural  
20 requirements for such related elements contained in part II of  
21 chapter 163 and rules adopted thereunder. The plan shall  
22 address each noncontiguous portion of a base specifically.

23 (9) If a host local government elects to use the  
24 optional provisions of this act, it shall, no later than 12  
25 months after notifying the agencies of its intent pursuant to  
26 subsection (3) either:

27 (a) Send a copy of the proposed military base reuse  
28 plan for review to any affected local governments; the  
29 Department of Environmental Protection; the Office of Tourism,  
30 Trade, and Economic Development; the Department of Community  
31 Affairs; the Department of Transportation; the Department of



1 Health; the Department of Children and Family Services; the  
2 Department of Agriculture and Consumer Services; the  
3 Department of State; the ~~Florida Game and Fresh Water Fish and~~  
4 Wildlife Conservation Commission; the Spaceport Florida  
5 Authority; and any applicable water management districts and  
6 regional planning councils, or

7 (b) Petition the secretary of the Department of  
8 Community Affairs for an extension of the deadline for  
9 submitting a proposed reuse plan. Such an extension request  
10 must be justified by changes or delays in the closure process  
11 by the federal Department of Defense or for reasons otherwise  
12 deemed to promote the orderly and beneficial planning of the  
13 subject military base reuse. The secretary of the Department  
14 of Community Affairs may grant extensions to the required  
15 submission date of the reuse plan.

16 Section 20. Section 288.976, Florida Statutes, is  
17 amended to read:

18 288.976 Military base closure and reuse.--State  
19 agencies and departments and the Spaceport Florida Authority  
20 shall, consistent with their statutory authorities and  
21 responsibility:

22 (1) Consult with the appropriate federal agencies,  
23 local governments, and federally recognized community base  
24 reuse commissions as early as possible to coordinate  
25 information gathering, issue identification, impact  
26 assessment, potential land use options, citizen participation,  
27 review timelines, and all other aspects of base closure and  
28 reuse approvals. Such agencies shall invite federal and local  
29 government representatives to attend any agency preapplication  
30 conferences related to military base closure or reuse.

31

1           (2) Make every effort to avoid duplicate reviews of  
2 impacts and, when possible and appropriate, use information  
3 analyses, and recommendations generated by the federal  
4 environmental impact statement process and the community base  
5 reuse plan process in state planning and permitting reviews.

6           (3) Be authorized to enter into memorandums of  
7 agreement with federal agencies in order to facilitate the  
8 coordination of reviews.

9           (4) Designate a person to serve as the agency  
10 coordinator for military base closure and reuse matters and  
11 notify the Governor in writing of the designation. The  
12 Governor shall notify the Office of the Secretary of Defense,  
13 the appropriate community base reuse commission chair, and the  
14 commanding officer of the affected installation of the  
15 appointment.

16           Section 21. Section 288.977, Florida Statutes, is  
17 amended to read:

18           288.977 Military base disposition.--State agencies or  
19 departments, including the Spaceport Florida Authority, having  
20 an interest in acquiring or otherwise utilizing property on  
21 closed or realigned military bases may apply to acquire or use  
22 such property either by utilizing the standard state and local  
23 government screening process established in Pub. L. No.  
24 101-510, s. 203, or by applying to a federal agency to use the  
25 property as a public benefit conveyance. The agency or  
26 department seeking to acquire or use property declared as  
27 surplus to the Federal Government by the United States  
28 Department of Defense shall provide to the Governor and the  
29 appropriate local government or federally recognized community  
30 base reuse commission, at the time of application to the  
31 Federal Government, a detailed description of the location and

1 of the property as well as the agency's proposed or  
2 anticipated use of the property.

3 Section 22. Paragraphs (c) and (d) of subsection (2)  
4 and paragraph (a) of subsection (4) of section 288.980,  
5 Florida Statutes, 1998 Supplement, are amended to read:

6 288.980 Military base retention; legislative intent;  
7 grants program.--

8 (2)

9 (c) The amount of any grant provided to an applicant  
10 may not exceed \$250,000. The Office of Tourism, Trade, and  
11 Economic Development shall require that an applicant:

12 1. Represent a local government with a military  
13 installation or military installations that could be adversely  
14 affected by federal base realignment or closure. The Spaceport  
15 Florida Authority may be the applicant if the military  
16 installation or military installations are within spaceport  
17 territory designated in s. 331.304.

18 2. Agree to match at least 50 percent of any grant  
19 awarded.

20 3. Prepare a coordinated program or plan of action  
21 delineating how the eligible project will be administered and  
22 accomplished.

23 4. Provide documentation describing the potential for  
24 realignment or closure of a military installation located in  
25 the applicant's community and the adverse impacts such  
26 realignment or closure will have on the applicant's community.

27 (d) In making grant awards the office shall consider,  
28 at a minimum, the following factors:

29 1. The relative value of the particular military  
30 installation in terms of its importance to the local and state  
31

1 economy relative to other military installations vulnerable to  
2 closure.

3           2. The potential job displacement within the local  
4 community should the military installation be closed.

5           3. The potential adverse impact on industries and  
6 technologies which service the military installation.

7           4. The potential positive state and local economic  
8 impacts of reuse activities.

9           (4)(a) The Defense-Related Business Adjustment Program  
10 is hereby created. The Director of the Office of Tourism,  
11 Trade, and Economic Development shall coordinate the  
12 development of the Defense-Related Business Adjustment  
13 Program. Funds shall be available to assist defense-related  
14 companies in the creation of increased commercial technology  
15 development through investments in technology. Such  
16 technology must have a direct impact on critical state needs  
17 for the purpose of generating investment-grade technologies  
18 and encouraging the partnership of the private sector and  
19 government defense-related business adjustment. The following  
20 areas shall receive precedence in consideration for funding  
21 commercial technology development: law enforcement or  
22 corrections, aerospace, environmental protection,  
23 transportation, education, and health care. Travel and costs  
24 incidental thereto, and staff salaries, are not considered an  
25 "activity" for which grant funds may be awarded.

26           Section 23. Subsections (1) and (18) of section  
27 331.305, Florida Statutes, is amended to read:

28           331.305 Powers of the authority.--The authority shall  
29 have the power to:

30           (1) Exercise all powers granted to corporations under  
31 the Florida Business ~~General~~ Corporation Act, chapter 607.

1           (18) Establish a personnel management system for  
2 hiring employees and setting employee benefit packages. The  
3 personnel of the authority are ~~shall not be~~ considered to be  
4 within the state employment system, but are eligible to  
5 participate in state employee education and training  
6 opportunities established under s. 110.1099.

7           Section 24. Sections 331.370, 331.371, 331.372,  
8 331.373, 331.374, 331.375, 331.377, 331.378, 331.379, 331.380,  
9 and 331.381, Florida Statutes, are created to read:

10           331.370 Short title.--Sections 331.770-331.779 may be  
11 cited as the "Florida Commercial Space Financing Corporation  
12 Act."

13           331.371 Legislative findings and intent.--The  
14 Legislature finds that the expansion of state and federal  
15 support for the aerospace industry in Florida is critical to  
16 the continued development of a viable commercial space  
17 industry and the technical and scientific job base for its  
18 residents. This development of commercial opportunities in  
19 Florida is slowed by the lack of traditional business  
20 financing tools such as securitization for industrial  
21 development. Florida's launch industry is also being  
22 challenged by the provision of such industry assistance by  
23 other countries. Florida's aerospace industry could be  
24 assisted by a corporation established to work with the U.S.  
25 Export-Import Bank, Small Business Administration, NASA, and  
26 other federal, state, and private sources to provide  
27 information, technical assistance, and financial support. It  
28 is the intention of the Legislature to retain and expand job  
29 opportunities for Florida residents through this mechanism.

30           331.372 Definitions.--For purposes of ss.  
31 331.371-331.379, the term:

1           (1) "Account" means the Florida Commercial Space  
2 Financing Bank and investment accounts.

3           (2) "Authority" means the Spaceport Florida Authority  
4 created by s. 331.302.

5           (3) "Board" means the governing body of the  
6 corporation, which includes the executive board and the policy  
7 board.

8           (4) "Corporation" means the Florida Commercial Space  
9 Financing Corporation as created in s. 331.373.

10           (5) "Domiciled in this state" means registered to do  
11 business in Florida.

12           (6) "Financing agreement" has the same meaning as  
13 ascribed in s. 331.03(10).

14           (7) "Financial institution" has the same meaning as  
15 ascribed in s. 655.005(1)(h).

16           (8) "Member" means an individual appointed to be a  
17 board director.

18           (9) "President" means the chief executive officer of  
19 the Florida Commercial Space Financing Corporation.

20           (10) "Sponsoring organization" means the named entity  
21 that appoints a person to represent them on the board as a  
22 board director.

23           331.373 Florida Commercial Space Financing  
24 Corporation.--There is created the Florida Commercial Space  
25 Financing Corporation as a corporation not for profit. The  
26 corporation has all the powers, rights, privileges, and  
27 authority as provided under chapter 617 and this section.  
28 This corporation is organized on a non-stock basis. The  
29 purpose of the corporation is to expand employment and income  
30 opportunities for residents of this state by providing  
31 businesses domiciled in this state with information, technical

1 assistance, and financial assistance to support space-related  
2 transactions in order to increase the development within the  
3 state of commercial aerospace products, activities, services,  
4 and facilities. The corporation has the power to:

5 (1) Coordinate the efforts of the corporation with  
6 programs and goals of the United States Air Force, National  
7 Aeronautics and Space Agency, Export-Import Bank, the  
8 International Trade Administration of the United States  
9 Department of Commerce, the Foreign Credit Insurance  
10 Association, Enterprise Florida, Inc., and its boards, and  
11 other private and public programs and organizations, domestic  
12 and foreign.

13 (2) Establish a network of contacts among those  
14 domestic and foreign public and private organizations which  
15 provide information, technical assistance, and financial  
16 support to the aerospace industry.

17 (3) Assemble, publish, and disseminate information on  
18 financing opportunities, techniques of financing aerospace  
19 projects, programs and activities; sources of public and  
20 private aerospace financing assistance; and sources of  
21 space-related financing.

22 (4) Organize, host, and participate in seminars and  
23 other forums designed to disseminate information and technical  
24 assistance on space-related financing.

25 (5)(a) Insure, coinsure, lend, and guarantee loans,  
26 and to originate for sale direct space-related loans, pursuant  
27 to criteria, bylaws, policies, and procedures adopted by the  
28 board.

29 (b) Capitalize, underwrite, and securitize funding for  
30 aerospace infrastructure, satellites, launch vehicles, and any  
31 service that supports aerospace launches.

1           (c) Construct, lease, or sell aerospace  
2 infrastructure, satellites, launch vehicles, and any other  
3 related activities and services.

4           (d) Acquire property, including real, personal,  
5 tangible, intangible, or mixed under such conditions that the  
6 board may deem necessary or desirable, and sell or otherwise  
7 dispose of the property.

8           (6) Enter into contracts or other instruments  
9 necessary or convenient to the exercise of its powers,  
10 including financing agreements.

11           331.374 Powers and limitations.--

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

15           (2) The total of loans, guarantees, direct loan  
16 originations for sale, and insured export transactions  
17 outstanding may not be more than five times the balance of the  
18 account. The board may elect to require a higher reserve.

19           (3)(a) The board shall adopt rules on the terms and  
20 limits for loans, guarantees, and direct loan originations,  
21 but a loan guarantee or a direct loan origination may not  
22 exceed 90 percent of the transaction contract.

23           (b) In providing assistance, the board shall create a  
24 fiscal strategy for the state which will guide and facilitate  
25 the successful expansion of space-related jobs.

26           (c) The board shall explore the possibility of  
27 organizing financial institutions and international bank  
28 syndicates for the purpose of offering nonrecourse financing  
29 to the Florida aerospace industry.

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1           (4) The board shall exercise all powers granted to  
2 nonprofit corporations under the Not-for-Profit Corporation  
3 Act, chapter 617.

4           (5) The board shall manage all funds in its possession  
5 and invest in permissible securities.

6           331.375 Board of directors; powers and duties.--

7           (1) There is created a board of directors consisting  
8 of up to 17 members with one member appointed by each of the  
9 following: the Board of Supervisors of the Spaceport Florida  
10 Authority; the Board of the Florida Export Finance  
11 Corporation; the Board of the Brevard County Economic  
12 Development Corporation; the Secretary of the Florida  
13 Department of Transportation; the Commissioner of the Florida  
14 Department of Insurance; the Florida office of the U.S.  
15 Department of Commerce; the Florida office of the U.S.  
16 Department of Transportation; and the Commissioner of the  
17 Florida Department of Banking and Finance.

18           (2)(a) The Governor shall appoint business members as  
19 follows: up to three members from national banks and one  
20 member each from a state bank, the investment banking  
21 industry, the aerospace industry, preferably a financial  
22 officer, an attorney at law in private practice, the public  
23 accounting industry, and the defense industry. The Board shall  
24 have two ex-officio nonvoting members. One shall be a state  
25 representative selected by the Speaker of the House of  
26 Representatives and one a state senator selected by the  
27 President of the Senate, both of whom shall serve for 2-year  
28 terms.

29           (b) A person appointed to the board may not be  
30 employed full time by any entity that applies for financial  
31 support, except the industry representative.

1           (c) The federal employee members of this board will  
2 not vote on any financial matter, but may vote on all  
3 corporate policies and procedures.

4           (3) All board members must be residents of the state.

5           (4) Each voting member shall serve for a 3-year term,  
6 with the term commencing on the day of appointment and  
7 continuing until June 30th, 3 years later. Each member shall  
8 serve until a written notice is received by the corporation  
9 from their sponsoring organization that a new member is  
10 appointed. Appointment as a member does not preclude any  
11 member from holding any other private or public position.  
12 Initial appointments shall be made no later than 60 days after  
13 July 1, 1999.

14           (5) The board shall hold its initial meeting no later  
15 than 30 days after the members have been appointed.

16           (6) At its first meeting, the board shall appoint a  
17 president of the corporation from qualified candidates who  
18 have been screened and interviewed by the Spaceport Florida  
19 Authority.

20           (7) Board members shall serve without compensation but  
21 may be reimbursed for all necessary expenses in the  
22 performance of their duties, including attending board  
23 meetings and conducting board business as provided in s.  
24 112.061.

25           (8) The board shall:

26           (a) Before the expenditure of funds from the Florida  
27 Commercial Space Financing Corporation Trust Fund, adopt  
28 bylaws, rules, and policies which are necessary to carry out  
29 the responsibilities under ss. 331.370-331.379, particularly  
30 with respect to the implementation of the corporation's  
31 programs to insure, coinsure, lend, provide loan guarantees,

1 and make direct, guaranteed, or collateralized loans by the  
2 corporation to support space-related transactions.

3 (b) Hold regularly scheduled meetings, at least  
4 quarterly, in order to carry out the objectives and  
5 responsibilities of the board.

6 (c) By December 31 of each year, the corporation shall  
7 submit to the Governor, the President of the Senate, the  
8 Speaker of the House of Representatives, the Senate Minority  
9 Leader, and the House Minority Leader a complete and detailed  
10 report setting forth:

11 1. An evaluation of its activities and recommendations  
12 for change.

13 2. The corporation's impact on the participation of  
14 private banks and other private organizations and individuals  
15 in the corporation's financing programs, and other economic  
16 and social benefits to businesses in this state.

17 3. Its assets and liabilities at the end of its most  
18 recent fiscal year.

19 (d) Adopt policies, including criteria, establishing  
20 which space-related transactions are eligible for insurance,  
21 coinsurance, loan guarantees, and direct, guaranteed, or  
22 collateralized loans which may be extended by the corporation.  
23 Pursuant to this subsection, the board shall adopt rules to  
24 include the following criteria:

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

29 2. Applicants will be domiciled in Florida and will be  
30 contractually obligated to use Florida launch facilities to  
31 the maximum extent possible.

1       (e) Adopt requirements to ensure the full repayment of  
2 loans and loan guarantees, plus accrued interest,  
3 full-recourse claims, and indemnities on direct loan  
4 originations sold by the corporation, and the solvency of any  
5 insurance and coinsurance program extended under ss.  
6 331.370-331.379.

7       (f) Approve any extension of insurance, coinsurance,  
8 loans, loan guarantees, or direct loan originations for sale,  
9 under ss. 331.370-331.379.

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

15       (h) Work to secure a delegated line of authority from  
16 the United States Export-Import Bank or other appropriate  
17 federal or state agency or private sector entity in order to  
18 take advantage of this possible funding or guarantee source.

19       (i) Develop a streamlined application and review  
20 process.

21       331.377 President.--

22       (1) The board shall appoint a president. The president  
23 must be knowledgeable about the aerospace industry and its  
24 financing programs.

25       (2) The president shall serve at the pleasure of the  
26 board and shall receive a salary and benefits as are fixed by  
27 the board.

28       (3) The president shall administer the programs of the  
29 corporation and perform such duties as are delegated by the  
30 board.

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

- 1           (a) Contract for services.  
2           (b) Hold public hearings.  
3           (c) Call upon and reimburse for services any state  
4 agency or department for assistance in carrying out the  
5 objectives of ss. 331.370-331.379.  
6           (d) Participate with government or private industry in  
7 programs for technical assistance, loans, technology transfer,  
8 or any other programs related to ss. 331.370-331.379.  
9           (e) Undertake or commission studies on methods to  
10 increase financial resources to expand the financial  
11 assistance to aerospace related industries in this state.  
12           (f) Hire staff and provide export finance training for  
13 them and other individuals involved in finance assistance,  
14 including such training sessions as may be provided by the  
15 United States Export-Import Bank and other organizations.  
16           (g) Exercise any other powers as may be necessary to  
17 carry out the purposes of this part.  
18           (5) The president shall provide staff to the board as  
19 requested.  
20           (6) The president shall submit an annual budget to be  
21 approved by the board.  
22           331.378 Audits.--  
23           (1) By September 1, 2000, the corporation, in  
24 cooperation with the Auditor General, shall develop a research  
25 design, including goals and measurable objectives for the  
26 corporation, which will provide the Legislature with a  
27 quantitative evaluation of the corporation. The corporation  
28 shall utilize the monitoring mechanisms and reports developed  
29 in the designs and provide these reports to the Governor, the  
30 President of the Senate, the Speaker of the House of  
31 Representatives, and the Auditor General.

1           (2) Before the 2001 Regular Session of the  
2 Legislature, the Auditor General shall perform a review and  
3 evaluation of the corporation using the research design  
4 promulgated pursuant to subsection (1). The report shall  
5 critique the corporation. A report of the findings and  
6 recommendations of the Auditor General shall be submitted to  
7 the President of the Senate and the Speaker of the House of  
8 Representatives before the 2001 Regular Session.

9           (3) The Division of Banking of the Department of  
10 Banking and Finance shall review the corporation's activities  
11 once every 24 months to determine compliance with ss.  
12 331.370-331.379 and other related laws and rules and to  
13 evaluate the corporation's operations. The division shall  
14 prepare a report based on its review and evaluation with  
15 recommendations for any corrective action. The president shall  
16 submit to the division regular reports on the corporation's  
17 activities. The content and frequency of such reports shall be  
18 determined by the division. The division may charge a fee for  
19 conducting the review and evaluation and preparing the related  
20 report, which fee may not be in excess of the examination fee  
21 paid by financial institutions chartered or licensed under the  
22 financial institutions code of this state.

23           331.779 Revenues.--

24           (1) The corporation may enter into an investment  
25 agreement with the State Board of Administration concerning  
26 the investment of the earnings accrued and collected upon the  
27 investment of the balance of funds maintained in the Working  
28 Capital Trust Fund and the Budget Stabilization Fund. The  
29 investment must be limited as follows:

30           (a) Not more than \$100 million of the investment  
31 earnings earned on the investment of the minimum balance of

1 the Working Capital Trust Fund in a fiscal year may be at risk  
2 at any time on loan guarantees or as loan loss reserves.

3 (b) The investment earnings may not be used to  
4 guarantee any loan guaranty or loan loss reserve agreement for  
5 a period longer than 5 years.

6 (2) The Spaceport Florida Authority may pledge  
7 existing revenues on deposit or future revenues projected to  
8 be available for deposit in the Spaceport Industry and  
9 Research Facility Development Fund in order to guarantee, in  
10 whole or in part, the payment of principal and interest on a  
11 loan made by the corporation.

12 331.380 Florida Space Industry and Research Facility  
13 Development Program.--

14 (1) There is created the Florida Space Industry and  
15 Research Facility Development Program within the Spaceport  
16 Florida Authority to finance space industry research,  
17 manufacturing, and other industrial support facilities  
18 projects and programs that will improve the statewide  
19 development of space-related economic and academic  
20 opportunities.

21 (2) A minimum of \$5 million per year will be made  
22 available from the State General Revenue Fund to fund the  
23 Florida Space Industry and Research Facility Development  
24 Program.

25 (3) General Revenue funding shall be made available  
26 based on a reallocation of sales taxes and admissions taxes  
27 collected at the Kennedy Space Center Visitor Complex.

28 (4) Funding will be distributed quarterly by the  
29 Department of Revenue to the Spaceport Florida Authority. The  
30 Spaceport Florida Authority will deposit all of such funds in  
31

1 the Florida Spaceport Commercial Financing Corporation Trust  
2 Fund created in s. 331.376, if created by law.

3 (5) Program funds shall be used to fund approved  
4 projects as defined in section 331.303(16) which have been  
5 recommended by the Spaceport Management Council created in s.  
6 331.381, and approved by the Spaceport Florida Authority Board  
7 of Supervisors. The Office of Tourism, Trade, and Economic  
8 Development shall review and certify funding proposals for  
9 consistency with this section.

10 (6) Any project or project user that receives funding  
11 under the program shall institute procedures to ensure that  
12 jobs created as a result of the state funding are subject to  
13 equal opportunity hiring practices in the manner provided in  
14 s. 110.112.

15 (7) The Office of Tourism, Trade, and Economic  
16 Development shall subject any project that receives funds  
17 pursuant to this section to a final audit. The office may  
18 adopt rules and perform such other acts as are necessary or  
19 convenient to ensure that the final audits are conducted and  
20 that any deficiency or questioned costs noted by the audit are  
21 resolved.

22 331.381 Spaceport Management Council.--

23 (1) The Spaceport Management Council is created within  
24 the Spaceport Florida Authority to provide coordination and  
25 recommendations on projects and activities that will increase  
26 the operability and capabilities of Florida's space launch  
27 facilities, increase statewide space-related industry and  
28 opportunities, or promote space education and research within  
29 the state. The council shall work to develop integrated  
30 facility and programmatic development plans to address  
31 commercial, state, and federal requirements; and to identify



1 appropriate private, state, and federal resources to implement  
2 these plans.

3 (2) The council shall provide recommendations for:

4 (a) Projects to be funded under the Florida Space  
5 Industry and Research Facility Development Program created in  
6 s. 331.380. The council shall provide requirements and other  
7 information to be used in the development of a 5-year  
8 Spaceport Economic Development Plan to define the goals and  
9 objectives of the council concerning the development of space  
10 manufacturing, research, and development and educational  
11 facilities consistent with the economic development space  
12 sector plan.

13 (b) The development of the spaceport master plan under  
14 s. 331.360.

15 (c) The projects and levels of commercial financing  
16 required from the Spaceport Commercial Financing Corporation  
17 created in s. 331.373.

18 (d) 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 (e) The regulation of spaceports and federal and state  
24 policy.

25 (f) Florida's approach to the Federal Government on  
26 request for funding of space development.

27 (3) The council shall consist of an executive board,  
28 which will consist of representatives of governmental  
29 organizations with responsibilities for developing or  
30 operating space transportation facilities; and a Space  
31

1 Industry Committee, which will consist of representatives of  
2 Florida's space industry.  
3 (4) The following individuals will serve on the  
4 executive board:  
5 (a) The Executive Director of the Spaceport Florida  
6 Authority or his or her designee;  
7 (b) The Director of the John F. Kennedy Space Center  
8 or his or her designee;  
9 (c) The Commander of the United States Air Force 45th  
10 Space Wing or his or her designee;  
11 (d) The Commander of the Naval Ordnance Test Unit or  
12 his or her designee;  
13 (e) The secretary of the Department of Transportation  
14 or his or her designee;  
15 (f) The president of Enterprise Florida, Inc., or his  
16 or her designee as an ex-officio nonvoting member;  
17 (g) The director of the Office of Tourism, Trade, and  
18 Economic Development or his or her designee as an ex-officio  
19 nonvoting member;  
20 (h) The secretary of the Department of Management  
21 Services or his or her designee as an ex-officio nonvoting  
22 member;  
23 (i) The Chancellor of the State University System or  
24 his or her designee as an ex-officio nonvoting member; and  
25 (j) The state senator and the state representative  
26 appointed to the Spaceport Florida Authority Board of  
27 Supervisors pursuant to s. 331.308 (1) as ex-officio nonvoting  
28 members.  
29 (5) The Space Industry Committee will consist of 15  
30 members representing companies or divisions of companies  
31 predominantly involved in providing space-related goods and

1 services who are significant employers within the state. A  
2 public application process to solicit and review potential  
3 nominees will be instituted. The Executive Director of the  
4 Spaceport Florida Authority will nominate 15 members of the  
5 committee from the list of qualified applicants, who are then  
6 subject to confirmation by the authority's board of  
7 supervisors.

8 (6) All council members must be residents of the  
9 state.

10 (7) Each member shall be appointed to serve for a  
11 3-year term, with the term commencing on the day of  
12 appointment and continuing until June 30th, 3 years later.  
13 Each member shall serve until a written notice is received by  
14 the corporation from the sponsoring organization that  
15 appointed the new member. Appointment as a member does not  
16 preclude any member from holding any other private or public  
17 position. Initial appointments must be made by September 1,  
18 1999.

19 (8) The executive board shall hold its initial meeting  
20 no later than 30 days after the members have been appointed.  
21 The Space Industry Committee shall hold its initial meeting no  
22 later than 60 days after the members have been appointed.

23 (9) Board members shall serve without compensation but  
24 may be reimbursed for all necessary expenses in the  
25 performance of their duties, including attending board  
26 meetings and conducting board business as provided in s.  
27 112.061.

28 (10) The council shall adopt bylaws governing the  
29 manner in which the business of the council will be conducted.  
30 The bylaws shall specify the procedure by which the  
31 chairperson of the council is elected.

1           (11) The council shall provide infrastructure and  
2 program requirements and develop other information to be used  
3 in the 5-year spaceport master plan in s. 331.360. The  
4 council will define goals and objectives concerning the  
5 development of spaceport facilities and an intermodal  
6 transportation system consistent with the goals of the Florida  
7 Transportation Plan developed pursuant to s. 339.155.

8           (12) The council shall provide requirements and other  
9 information to be used in the development of a 5-year  
10 spaceport economic development plan, defining the goals and  
11 objectives of the council concerning the development of space  
12 manufacturing, research and development and educational  
13 facilities consistent with the economic development space  
14 sector plan.

15           (13) The council shall update the 5-year spaceport  
16 economic development plan annually and shall submit the plan  
17 no later than February 1 of each year to the President of the  
18 Senate; the Speaker of the House of Representatives; the  
19 Office of Tourism, Trade, and Economic Development; the  
20 Department of Transportation; and the Department of Community  
21 Affairs.

22           (14) The council shall develop programs, based on an  
23 examination of existing programs in Florida and other states,  
24 for the training of minorities and secondary school students  
25 in job skills associated with employment opportunities in the  
26 aerospace industry, and report on progress and recommendations  
27 for further action to the President of the Senate and the  
28 Speaker of the House of Representatives annually, beginning no  
29 later than February 1, 2000.

30           (15) The council shall adopt rules for evaluating  
31 projects which may be funded under s. 331.380. The rules shall

1 provide criteria for evaluating the economic benefit of the  
2 project, measured by the potential for the proposed project to  
3 increase manufacturing activity, international commerce,  
4 spaceport revenues, and the number of jobs.

5 (16) The council shall review and recommend or not  
6 recommend each project eligible to be funded pursuant to the  
7 Florida Space Industry and Research Development Program. The  
8 council shall annually submit to the Secretary of  
9 Transportation; the director of the Office of Tourism, Trade,  
10 and Economic Development; and the Secretary of Community  
11 Affairs a list of projects that have been approved by the  
12 council. The list must specify the recommended funding level  
13 for each project; and, if staged implementation of the project  
14 is appropriate, the funding requirements for each stage must  
15 be specified.

16 (17) The Department of Community Affairs shall review  
17 the list of projects approved by the council to determine  
18 consistency with approved local government comprehensive plans  
19 of the units of local government in which the spaceport is  
20 located and consistency with the spaceport master plan. The  
21 Department of Community Affairs shall identify and notify the  
22 council of those projects that are not consistent, to the  
23 maximum extent feasible, with such comprehensive plans and  
24 spaceport master plans.

25 (18) The Office of Tourism, Trade, and Economic  
26 Development shall review the list of projects approved by the  
27 council to evaluate the economic benefit of the project. The  
28 Office of Tourism, Trade, and Economic Development shall  
29 identify those projects that it finds do not offer an economic  
30 benefit to the state, and shall notify the council of its  
31 findings.

1           (19) The council shall review the findings of the  
2 Department of Community Affairs; the Office of Tourism, Trade,  
3 and Economic Development; and the Department of  
4 Transportation. Projects found to be inconsistent pursuant to  
5 subsections (11) and (17) and projects which have been  
6 determined not to offer an economic benefit to the state  
7 pursuant to subsection (18) shall not be included in the list  
8 of projects to be funded.

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

18           (21) Members of the council shall serve without  
19 compensation but are entitled to receive reimbursement for per  
20 diem and travel expenses as provided in s. 112.061. The  
21 council may elect to provide an administrative staff to  
22 provide services to the council on matters relating to the  
23 Florida Space Industry and Research Facility Development  
24 Program and the council. The Spaceport Florida Authority shall  
25 pay the cost for such administrative services.

26           Section 25. The sum of \$5 million is appropriated from  
27 the General Revenue Fund to the Florida Commercial Space  
28 Financing Corporation Trust Fund for the purpose of  
29 implementing sections 331.370-331.379, Florida Statutes,  
30 during the 1999-2000 fiscal year. The sum of \$500,000 is  
31 appropriated from the General Revenue Fund to the Florida

1 Commercial Space Financing Corporation for corporate  
2 operations for the 1999-2000 fiscal year.

3 Section 26. The sum of \$5 million is appropriated from  
4 the General Revenue Fund to the Spaceport Florida Authority to  
5 fund the Florida Space Industry and Research Facility  
6 Development Program for the 1999-2000 fiscal year.

7 Section 27. This act shall take effect July 1, 1999.

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SENATE SUMMARY

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Provides for the promotion and development of the commercial space industry through the creation of various entities and programs to work in conjunction with the Spaceport Florida Authority, the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., and other state agencies. Provides for tax exemptions and funding alternatives. Provides for appropriations.