

By Senator Futch

18-805-02

1 A bill to be entitled
2 An act relating to the Spaceport Florida
3 Authority; amending ss. 74.011, 196.012,
4 212.02, 288.063, 288.075, 288.35, 288.9415,
5 288.9515, 330.30, 331.301, 331.302, F.S.;
6 changing the name of the Spaceport Florida
7 Authority to the Florida Space Authority;
8 amending s. 331.303, F.S.; defining the term
9 "Spaceport Florida"; conforming provisions to
10 the name change; amending ss. 331.308,
11 331.3101, 331.360, F.S.; conforming provisions
12 to the name change; amending s. 331.367, F.S.;
13 revising the membership and mission of the
14 Spaceport Management Council and its executive
15 board; amending ss. 331.368, 331.405, 331.411,
16 339.137, 339.175, 768.28, F.S.; conforming
17 provisions to the name change; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 74.011, Florida Statutes, is
23 amended to read:

24 74.011 Scope.--In any eminent domain action, properly
25 instituted by and in the name of the state; the Department of
26 Transportation; any county, school board, municipality,
27 expressway authority, regional water supply authority,
28 transportation authority, flood control district, or drainage
29 or subdrainage district; the ship canal authority; any
30 lawfully constituted housing, port, or aviation authority; the
31 ~~Spaceport~~ Florida Space Authority; or any rural electric

1 cooperative, telephone cooperative corporation, or public
2 utility corporation, the petitioner may avail itself of the
3 provisions of this chapter to take possession and title in
4 advance of the entry of final judgment.

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

7 196.012 Definitions.--For the purpose of this chapter,
8 the following terms are defined as follows, except where the
9 context clearly indicates otherwise:

10 (6) Governmental, municipal, or public purpose or
11 function shall be deemed to be served or performed when the
12 lessee under any leasehold interest created in property of the
13 United States, the state or any of its political subdivisions,
14 or any municipality, agency, special district, authority, or
15 other public body corporate of the state is demonstrated to
16 perform a function or serve a governmental purpose which could
17 properly be performed or served by an appropriate governmental
18 unit or which is demonstrated to perform a function or serve a
19 purpose which would otherwise be a valid subject for the
20 allocation of public funds. For purposes of the preceding
21 sentence, an activity undertaken by a lessee which is
22 permitted under the terms of its lease of real property
23 designated as an aviation area on an airport layout plan which
24 has been approved by the Federal Aviation Administration and
25 which real property is used for the administration, operation,
26 business offices and activities related specifically thereto
27 in connection with the conduct of an aircraft full service
28 fixed base operation which provides goods and services to the
29 general aviation public in the promotion of air commerce shall
30 be deemed an activity which serves a governmental, municipal,
31 or public purpose or function. Any activity undertaken by a

1 lessee which is permitted under the terms of its lease of real
2 property designated as a public airport as defined in s.
3 332.004(14) by municipalities, agencies, special districts,
4 authorities, or other public bodies corporate and public
5 bodies politic of the state, a spaceport as defined in s.
6 331.303(19), or which is located in a deepwater port
7 identified in s. 403.021(9)(b) and owned by one of the
8 foregoing governmental units, subject to a leasehold or other
9 possessory interest of a nongovernmental lessee that is deemed
10 to perform an aviation, airport, aerospace, maritime, or port
11 purpose or operation shall be deemed an activity that serves a
12 governmental, municipal, or public purpose. The use by a
13 lessee, licensee, or management company of real property or a
14 portion thereof as a convention center, visitor center, sports
15 facility with permanent seating, concert hall, arena, stadium,
16 park, or beach is deemed a use that serves a governmental,
17 municipal, or public purpose or function when access to the
18 property is open to the general public with or without a
19 charge for admission. If property deeded to a municipality by
20 the United States is subject to a requirement that the Federal
21 Government, through a schedule established by the Secretary of
22 the Interior, determine that the property is being maintained
23 for public historic preservation, park, or recreational
24 purposes and if those conditions are not met the property will
25 revert back to the Federal Government, then such property
26 shall be deemed to serve a municipal or public purpose. The
27 term "governmental purpose" also includes a direct use of
28 property on federal lands in connection with the Federal
29 Government's Space Exploration Program or spaceport activities
30 as defined in s. 212.02(22). Real property and tangible
31 personal property owned by the Federal Government or the

1 ~~Spaceport~~ Florida Space Authority and used for defense and
2 space exploration purposes or which is put to a use in support
3 thereof shall be deemed to perform an essential national
4 governmental purpose and shall be exempt. "Owned by the
5 lessee" as used in this chapter does not include personal
6 property, buildings, or other real property improvements used
7 for the administration, operation, business offices and
8 activities related specifically thereto in connection with the
9 conduct of an aircraft full service fixed based operation
10 which provides goods and services to the general aviation
11 public in the promotion of air commerce provided that the real
12 property is designated as an aviation area on an airport
13 layout plan approved by the Federal Aviation Administration.
14 For purposes of determination of "ownership," buildings and
15 other real property improvements which will revert to the
16 airport authority or other governmental unit upon expiration
17 of the term of the lease shall be deemed "owned" by the
18 governmental unit and not the lessee. Providing two-way
19 telecommunications services to the public for hire by the use
20 of a telecommunications facility, as defined in s. 364.02(13),
21 and for which a certificate is required under chapter 364 does
22 not constitute an exempt use for purposes of s. 196.199,
23 unless the telecommunications services are provided by the
24 operator of a public-use airport, as defined in s. 332.004,
25 for the operator's provision of telecommunications services
26 for the airport or its tenants, concessionaires, or licensees,
27 or unless the telecommunications services are provided by a
28 public hospital. However, property that is being used to
29 provide such telecommunications services on or before October
30 1, 1997, shall remain exempt, but such exemption expires
31 October 1, 2004.

1 Section 3. Subsection (22) of section 212.02, Florida
2 Statutes, is amended 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 (22) "Spaceport activities" means activities directed
8 or sponsored by the ~~Spaceport~~ Florida Space Authority on
9 spaceport territory pursuant to its powers and
10 responsibilities under the Spaceport Florida Authority Act.

11 Section 4. Subsection (7) of section 288.063, Florida
12 Statutes, is amended to read:

13 288.063 Contracts for transportation projects.--

14 (7) For the purpose of this section, the ~~Spaceport~~
15 Florida Space Authority may serve as the local government or
16 as the contracting agency for transportation projects within
17 spaceport territory as defined by s. 331.304.

18 Section 5. Subsection (1) of section 288.075, Florida
19 Statutes, is amended to read:

20 288.075 Confidentiality of records.--

21 (1) As used in this section, the term "economic
22 development agency" means the Office of Tourism, Trade, and
23 Economic Development, any industrial development authority
24 created in accordance with part III of chapter 159 or by
25 special law, the ~~Spaceport~~ Florida Space Authority created in
26 part II of chapter 331, the Florida Commercial Space Financing
27 Corporation created in part III of chapter 331, the public
28 economic development agency of a county or municipality, or
29 any research and development authority created in accordance
30 with part V of chapter 159. The term also includes any private
31 agency, person, partnership, corporation, or business entity

1 when authorized by the state, a municipality, or a county to
2 promote the general business interests or industrial interests
3 of the state or that municipality or county.

4 Section 6. Subsection (2) of section 288.35, Florida
5 Statutes, is amended to read:

6 288.35 Definitions.--The following terms, wherever
7 used or referred to in this part, shall have the following
8 meanings:

9 (2) "Government agency" means the state or any county
10 or political subdivision thereof; any state agency; any
11 consolidated government of a county, and some or all of the
12 municipalities located within said county; any chartered
13 municipality in the state; and any of the institutions of such
14 consolidated governments, counties, or municipalities.
15 Specifically included are airports, port authorities,
16 industrial authorities, and the ~~Spaceport~~ Florida Space
17 Authority.

18 Section 7. Subsection (2) of section 288.9415, Florida
19 Statutes, is amended to read:

20 288.9415 International Trade Grants.--

21 (2) A county, municipality, economic development
22 council, the ~~Spaceport~~ Florida Space Authority, or a
23 not-for-profit association of businesses organized to assist
24 in the promotion of international trade may apply for a grant
25 of state funds for the promotion of international trade.

26 Section 8. Subsection (4) of section 288.9515, Florida
27 Statutes, is amended to read:

28 288.9515 Authorized technology development programs.--

29 (4) Enterprise Florida, Inc., shall invest moneys
30 contained in the Florida Technology Research Investment Fund
31 in technology application research or for technology

1 development projects that have the potential for commercial
2 market application. The partnership shall coordinate any
3 investment in any space-related technology projects with the
4 ~~Spaceport~~ Florida Space Authority and the Technological
5 Research and Development Authority.

6 (a) The investment of moneys contained in the Florida
7 Technology Research Investment Fund is limited to investments
8 in qualified securities in which a private enterprise in this
9 state coinvests at least 40 percent of the total project
10 costs, in conjunction with other cash or noncash investments
11 from state educational institutions, state and federal
12 agencies, or other institutions.

13 (b) For the purposes of this fund, qualified
14 securities include loans, loans convertible to equity, equity,
15 loans with warrants attached that are beneficially owned by
16 the board, royalty agreements, or any other contractual
17 arrangement in which the board is providing scientific and
18 technological services to any federal, state, county, or
19 municipal agency, or to any individual, corporation,
20 enterprise, association, or any other entity involving
21 technology development.

22 (c) Not more than \$175,000 or 5 percent of the
23 revenues generated by investment of moneys contained in the
24 Florida Technology Research Investment Fund, whichever is
25 greater, may be used to pay operating expenses associated with
26 operation of the Florida Technology Research Investment Fund.

27 (d) In the event of liquidation or dissolution of
28 Enterprise Florida, Inc., or the Florida Technology Research
29 Investment Fund, any rights or interests in a qualified
30 security or portion of a qualified security purchased with
31 moneys invested by the State of Florida shall vest in the

1 state, under the control of the State Board of Administration.
2 The state is entitled to, in proportion to the amount of
3 investment in the fund by the state, any balance of funds
4 remaining in the Florida Technology Research Investment Fund
5 after payment of all debts and obligations upon liquidation or
6 dissolution of Enterprise Florida, Inc., or the fund.

7 (e) The investment of funds contained in the Florida
8 Technology Research Investment Fund does not constitute a
9 debt, liability, or obligation of the State of Florida or of
10 any political subdivision thereof, or a pledge of the faith
11 and credit of the state or of any such political subdivision.

12 Section 9. Paragraph (d) of subsection (3) of section
13 330.30, Florida Statutes, is amended to read:

14 330.30 Approval of airport sites and licensing of
15 airports; fees.--

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

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

24 Section 10. Section 331.301, Florida Statutes, is
25 amended to read:

26 331.301 Short title.--This act may be cited as the
27 "~~Spaceport~~ Florida Space Authority Act."

28 Section 11. Section 331.302, Florida Statutes, is
29 amended to read:

30 331.302 ~~Spaceport~~ Florida Space Authority; creation;
31 purpose.--

1 (1) It is the intent of the Legislature to provide a
2 unified direction for space-related economic growth and
3 educational development, to ensure a stable and dynamic
4 economic climate, to attract and maintain space-related
5 businesses suitable to the state, and to further the
6 coordination and development of Florida's economy.

7 (2) There is hereby established, formed, and created
8 the ~~Spaceport~~ Florida Space Authority, which is created and
9 incorporated as a public corporation, body politic, and
10 subdivision of the state to establish facilities or
11 complementary activities to enhance and provide commercial
12 space-related development opportunities for business,
13 education, and government, and which shall have all the
14 powers, rights, privileges, and authority as provided under
15 the laws of this state.

16 (3) It shall be the purpose, function, and
17 responsibility of the ~~Spaceport~~ Florida Space Authority to
18 develop a strategy for and implement the acceleration of
19 space-related economic growth and educational development
20 within the state. Projects in the state shall include the
21 space business incubators, space tourism activities and
22 centers, educational involvement in business incubators, and
23 the Spaceport Florida launch centers. It shall be the
24 authority's purpose, function, and responsibility to provide
25 projects in the state which will develop and improve the
26 entrepreneurial atmosphere, to provide coordination among
27 space businesses, Florida universities, space tourism, and the
28 Spaceport Florida launch centers, and to provide activities
29 designed to stimulate the development of space commerce. In
30 carrying out these duties and responsibilities, the authority
31 may advise and cooperate with municipalities, counties,

1 regional authorities, state agencies and organizations,
2 appropriate federal agencies and organizations, and other
3 interested persons and groups.

4 (4) It is the intent of the Legislature that the
5 ~~Spaceport~~ Florida Space Authority shall not be considered an
6 "agency" as defined in ss. 216.011 and 287.012.

7 Section 12. Subsection (1) of section 331.303, Florida
8 Statutes, is amended, present subsections (20), (21), (22),
9 (23), (24), and (25) of that section are redesignated as
10 subsections (21), (22), (23), (24), (25), and (26),
11 respectively, and a new subsection (20) is added to that
12 section to read:

13 331.303 Definitions.--

14 (1) "Authority" means the ~~Spaceport~~ Florida Space
15 Authority created by this act.

16 (20) "Spaceport Florida" means the authority or its
17 facilities and projects.

18 Section 13. Subsection (1) of section 331.308, Florida
19 Statutes, is amended to read:

20 331.308 Board of supervisors.--

21 (1) There is created within the ~~Spaceport~~ Florida
22 Space Authority a board of supervisors consisting of seven
23 regular members, who shall be appointed by the Governor, and
24 two ex officio nonvoting members, one of whom shall be a state
25 senator selected by the President of the Senate and one of
26 whom shall be a state representative selected by the Speaker
27 of the House of Representatives, all of whom shall be subject
28 to confirmation by the Senate at the next regular session of
29 the Legislature. Each of the regular board members must be a
30 resident of the state and must have experience in the
31 aerospace or commercial space industry or in finance or have

1 other significant relevant experience. One regular member
2 shall represent organized labor interests and one regular
3 member shall represent minority interests.

4 Section 14. Section 331.3101, Florida Statutes, is
5 amended to read:

6 331.3101 ~~Spaceport~~ Florida Space Authority; travel and
7 entertainment expenses.--

8 (1) Notwithstanding the provisions of s. 112.061, the
9 authority shall adopt rules by which it may make expenditures
10 by advancement or reimbursement, or a combination thereof, to
11 authority officers and employees; reimburse business clients,
12 guests, and authorized persons as defined in s. 112.061(2)(e);
13 and make direct payments to third-party vendors:

14 (a) For travel expenses of such business clients,
15 guests, and authorized persons incurred by the authority in
16 connection with the performance of its statutory duties, and
17 for travel expenses incurred by state officials and state
18 employees while accompanying such business clients, guests, or
19 authorized persons or when authorized by the board or its
20 designee.

21 (b) For entertainment expenses of such guests,
22 business clients, and authorized persons incurred by the
23 authority in connection with the performance of its statutory
24 duties, and for entertainment expenses incurred for authority
25 officials and employees when such expenses are incurred while
26 in the physical presence of such business clients, guests, or
27 authorized persons.

28 (2) The rules shall be subject to approval by the
29 Comptroller prior to promulgation. The rules shall require
30 the submission of paid receipts, or other proof prescribed by
31 the Comptroller, with any claim for reimbursement, and shall

1 require, as a condition for any advancement, an agreement to
2 submit paid receipts or other proof and to refund any unused
3 portion of the advancement within 15 days after the expense is
4 incurred or, if the advancement is made in connection with
5 travel, within 15 days after completion of the travel.

6 However, with respect to an advancement made solely for travel
7 expenses, the rules may allow paid receipts or other proof to
8 be submitted, and any unused portion of the advancement to be
9 refunded, within 30 days after completion of the travel.

10 (3) An annual report shall be made to the Legislature
11 not later than November 30 of each year for the previous
12 fiscal year, which shall consist of a synopsis concisely
13 summarizing all travel, entertainment, and incidental expenses
14 incurred within the United States and, separately, all travel,
15 entertainment, and incidental expenses incurred outside the
16 United States.

17 (4) No claim submitted under this section shall be
18 required to be sworn to before a notary public or other
19 officer authorized to administer oaths, but any claim
20 authorized or required to be made under any provision of this
21 section shall contain a statement that the expenses were
22 actually incurred as necessary travel or entertainment
23 expenses in the performance of official duties of the
24 authority and shall be verified by written declaration that it
25 is true and correct as to every material matter. Any person
26 who willfully makes and subscribes to any such claim which the
27 person does not believe to be true and correct as to every
28 material matter or who willfully aids or assists in, or
29 procures, counsels, or advises, the preparation or
30 presentation of a claim pursuant to this section, which claim
31 is fraudulent or false as to any material matter, whether or

1 not such falsity or fraud is with the knowledge or consent of
2 the person authorized or required to present such claim,
3 commits a misdemeanor of the second degree, punishable as
4 provided in s. 775.082 or s. 775.083. Whoever receives an
5 advancement or reimbursement by means of a false claim is
6 civilly liable, in the amount of the overpayment, for the
7 reimbursement of the public fund from which the claim was
8 paid.

9 Section 15. Subsection (2) of section 331.360, Florida
10 Statutes, is amended to read:

11 331.360 Joint project agreement or assistance;
12 spaceport master plan.--

13 (2) Notwithstanding any other provision of law, the
14 Department of Transportation may enter into a joint project
15 agreement with, or otherwise assist, the ~~Spaceport~~ Florida
16 Space Authority as necessary to effectuate the provisions of
17 this chapter and may allocate funds for such purposes in its
18 5-year work program. However, the department may not fund the
19 administrative or operational costs of the authority.

20 Section 16. Section 331.367, Florida Statutes, is
21 amended to read:

22 331.367 Spaceport Management Council.--

23 (1) The Spaceport Management Council is created within
24 the ~~Spaceport~~ Florida Space Authority to provide coordination
25 between government agencies and commercial operators for the
26 purpose of developing and recommendations on projects and
27 activities to that will increase the operability and
28 capabilities of Florida's space launch facilities, increase
29 statewide space-related industry and opportunities, and
30 promote space education, and research, and technology
31 development within the state. The council shall work to create

1 ~~develop~~ integrated facility and programmatic development plans
2 to address commercial, state, and federal requirements and to
3 identify appropriate private, state, and federal resources to
4 implement these plans.

5 (2) The council shall make recommendations regarding:

6 (a) The development of a spaceport master plan.

7 (b) The projects and levels of commercial financing
8 required from the Florida Commercial Space Financing
9 Corporation created by s. 331.407.

10 (c) Development and expansion of space-related
11 education and research facilities and programs within Florida
12 in consultation with the Florida Space Research Institute,
13 including recommendations to be provided to the State
14 University System, the Division of Community Colleges, and the
15 Department of Education.

16 (d) The regulation of spaceports and federal and state
17 policy.

18 (e) Appropriate levels of governmental and private
19 funding for sustainable Florida's approach to the Federal
20 Government regarding requests for funding of space
21 development.

22 (3) The council shall submit its recommendations to
23 the Governor and Lieutenant Governor and provide copies to the
24 Secretary of Transportation, the director of the Office of
25 Tourism, Trade, and Economic Development, the associate
26 administrator for Space Transportation in the United States
27 Department of Transportation, the administrator of the
28 National Aeronautics and Space Administration, the Deputy
29 Assistant Secretary of the Air Force for Space Plans and
30 Policy, and the ex officio nonvoting council members of the
31 Senate and the House of Representatives.

1 ~~(4)(3)~~(a) The council shall be composed ~~consist~~ of an
2 executive board consisting, ~~which shall consist~~ of
3 representatives of governmental organizations having with
4 responsibilities for developing or operating space
5 transportation facilities, and a Space Industry Committee
6 consisting, ~~which shall consist~~ of representatives of
7 Florida's space industry.

8 (b) The executive board consists of the following
9 individuals or their designees ~~shall serve on the executive~~
10 ~~board:~~

11 1. The executive director of the ~~Spaceport~~ Florida
12 Space Authority ~~or his or her designee.~~

13 2. ~~The director of the John F. Kennedy Space Center or~~
14 ~~his or her designee.~~

15 3. ~~The Commander of the United States Air Force 45th~~
16 ~~Space Wing or his or her designee.~~

17 4. ~~The Commander of the Naval Ordnance Test Unit or~~
18 ~~his or her designee.~~

19 2.5. The Secretary of Transportation ~~or his or her~~
20 ~~designee.~~

21 3.6. The president of Enterprise Florida, Inc., ~~or his~~
22 ~~or her designee~~, as an ex officio nonvoting member.

23 4.7. The director of the Office of Tourism, Trade, and
24 Economic Development ~~or his or her designee~~, as an ex officio
25 ~~nonvoting member.~~

26 (c)1. Participation by the federal agencies having
27 space-related missions in the state will contribute to council
28 effectiveness, and the following installation heads or their
29 designees may serve as official liaisons to the council: the
30 director of the John F. Kennedy Space Center, the Commander of
31

1 the 45th Space Wing, and the Commander of the Naval Ordnance
2 Test Unit.

3 2. Federal liaison officials may attend and
4 participate in council meetings and deliberations, provide
5 federal-agency views on issues before the council, and present
6 issues of concern and make recommendations to the council.

7 3. The role of federal liaison officials is limited by
8 federal statutes and other constraints, but the determination
9 of this limitation is a federal function.

10 4. The fiduciary responsibility of the official
11 liaisons shall remain at all times with their respective
12 agencies.

13 5. To the extent that the advice or recommendations of
14 the official liaisons are not adopted or incorporated into the
15 final recommendations of the council, the official liaisons
16 may append to such final recommendations their advice,
17 recommendations, or opinions.

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

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

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

28 (5)(7) The executive board council shall adopt bylaws
29 governing the manner in which the business of the council
30 shall be conducted. The bylaws shall specify the procedure by
31 which the chairperson of the council is elected.

1 ~~(6)(8)~~ The council shall provide infrastructure and
2 program requirements and develop other information to be
3 utilized in a 5-year spaceport master plan. The council shall
4 define goals and objectives concerning the development of
5 spaceport facilities and an intermodal transportation system
6 consistent with the goals of the Florida Transportation Plan
7 developed pursuant to s. 339.155.

8 ~~(7)(9)~~ The council shall provide requirements and
9 other information to be utilized in the development of a
10 5-year Spaceport Economic Development Plan, defining the goals
11 and objectives of the council concerning the development of
12 facilities for space manufacturing, research, technology and
13 development, and education ~~educational facilities.~~

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

24 Section 17. Paragraph (a) of subsection (2) of section
25 331.368, Florida Statutes, is amended to read:

26 331.368 Florida Space Research Institute.--

27 (2) The institute shall operate as a public/private
28 partnership under the direction of a board composed of:

29 (a) A representative of the ~~Spaceport~~ Florida Space
30 Authority.

31

1 Section 18. Subsection (2) of section 331.405, Florida
2 Statutes, is amended to read:

3 331.405 Definitions.--As used in this part:

4 (2) "Authority" means the ~~Spaceport~~ Florida Space
5 Authority created by s. 331.302.

6 Section 19. Section 311.411, Florida Statutes, is
7 amended to read:

8 331.411 Board of directors; powers and duties.--

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

12 (a) One representative appointed by each of the
13 following:

14 1. The board of supervisors of the ~~Spaceport~~ Florida
15 Space Authority.

16 2. The board of directors of the Florida Export
17 Finance Corporation.

18 3. The director of the Office of Tourism, Trade, and
19 Economic Development.

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

21 5. The Secretary of Transportation.

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

23 1. A member representing the investment banking
24 industry.

25 2. An attorney at law in private practice.

26
27 The board shall also include two ex officio nonvoting members,
28 a member of the House of Representatives selected by the
29 Speaker of the House of Representatives, and a member of the
30 Senate selected by the President of the Senate, both of whom
31 shall serve 2-year terms.

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

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

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

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

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

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

21 (4)(6) Board members shall serve without compensation
22 but may be reimbursed for all necessary expenses in the
23 performance of their duties, including attending board
24 meetings and conducting board business.

25 (5)(7) The board shall:

26 (a) Prior to the expenditure of funds from the
27 account, adopt bylaws, rules, and policies necessary to carry
28 out its responsibilities under this part, particularly with
29 respect to the implementation of the corporation's programs to
30 insure, coinsure, lend, provide loan guarantees, and make
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1 direct, guaranteed, or collateralized loans to support
2 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) Adopt policies, including criteria, establishing
7 which space-related transactions shall be eligible for
8 insurance, coinsurance, loan guarantees, and direct,
9 guaranteed, or collateralized loans which may be extended by
10 the corporation. To implement this paragraph, the board shall
11 adopt rules which include the following criteria:

12 1. Any individual signing any corporation loan
13 application and loan or guarantee agreement must have an
14 equity interest in the business applying for financial
15 assistance.

16 2. Applicants must be domiciled in this state and will
17 be contractually obligated to use Florida launch facilities to
18 the maximum extent possible.

19 (d) Adopt requirements to ensure the full repayment of
20 loans and loan guarantees, plus accrued interest,
21 full-recourse claims, and indemnities on direct loan
22 originations sold by the corporation, and the solvency of any
23 insurance and coinsurance program extended under this part.

24 (e) Approve any extension of insurance, coinsurance,
25 loans, loan guarantees, or direct loan originations for sale
26 under this part.

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

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

5 (h) Develop a streamlined application and review
6 process.

7 Section 20. Subsection (3) of section 339.137, Florida
8 Statutes, is amended to read:

9 339.137 Transportation Outreach Program (TOP)
10 supporting economic development; administration; definitions;
11 eligible projects; Transportation Outreach Program (TOP)
12 advisory council created; limitations; funding.--

13 (3) Eligible projects include those for planning,
14 designing, acquiring rights-of-way for, or constructing the
15 following:

16 (a) Major highway improvements.

17 1. Florida Intrastate Highway System.

18 2. Feeder roads which provide linkages to major
19 highways.

20 3. Bridges of statewide or regional significance.

21 4. Trade and economic development corridors.

22 5. Access projects for freight and passengers.

23 6. Hurricane evacuation routes.

24 (b) Major public transportation projects.

25 1. Seaport projects which improve cargo and passenger
26 movements.

27 2. Aviation projects which increase passenger
28 enplanements and cargo activity.

29 3. Transit projects which improve mobility on
30 interstate highways, or which improve regional or localized
31 travel.

1 4. Rail projects that facilitate the movement of
2 passengers and cargo including ancillary pedestrian
3 facilities.

4 5. ~~Spaceport~~ Florida Space Authority projects which
5 improve space transportation capacity and facilities
6 consistent with the provisions of s. 331.360.

7 6. Bicycle and pedestrian facilities that add to or
8 enhance a statewide system of public trails.

9 (c) Highway and bridge projects that facilitate
10 retention and expansion of military installations, or that
11 facilitate reuse and development of any military base
12 designated for closure by the Federal Government.

13 Section 21. Paragraph (a) of subsection (2) of section
14 339.175, Florida Statutes, is amended to read:

15 339.175 Metropolitan planning organization.--It is the
16 intent of the Legislature to encourage and promote the safe
17 and efficient management, operation, and development of
18 surface transportation systems that will serve the mobility
19 needs of people and freight within and through urbanized areas
20 of this state while minimizing transportation-related fuel
21 consumption and air pollution. To accomplish these objectives,
22 metropolitan planning organizations, referred to in this
23 section as M.P.O.'s, shall develop, in cooperation with the
24 state and public transit operators, transportation plans and
25 programs for metropolitan areas. The plans and programs for
26 each metropolitan area must provide for the development and
27 integrated management and operation of transportation systems
28 and facilities, including pedestrian walkways and bicycle
29 transportation facilities that will function as an intermodal
30 transportation system for the metropolitan area, based upon
31 the prevailing principles provided in s. 334.046(1). The

1 process for developing such plans and programs shall provide
2 for consideration of all modes of transportation and shall be
3 continuing, cooperative, and comprehensive, to the degree
4 appropriate, based on the complexity of the transportation
5 problems to be addressed.

6 (2) VOTING MEMBERSHIP.--

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

1 official of an agency that operates or administers a major
2 mode of transportation has been appointed to an M.P.O.

3 Section 22. Subsections (2), (3), and (7) and
4 paragraph (a) of subsection (6) of section 768.28, Florida
5 Statutes, are amended to read:

6 768.28 Waiver of sovereign immunity in tort actions;
7 recovery limits; limitation on attorney fees; statute of
8 limitations; exclusions; indemnification; risk management
9 programs.--

10 (2) As used in this act, "state agencies or
11 subdivisions" include the executive departments, the
12 Legislature, the judicial branch (including public defenders),
13 and the independent establishments of the state; counties and
14 municipalities; and corporations primarily acting as
15 instrumentalities or agencies of the state, counties, or
16 municipalities, including the ~~Spaceport~~ Florida Space
17 Authority.

18 (3) Except for a municipality and the ~~Spaceport~~
19 Florida Space Authority, the affected agency or subdivision
20 may, at its discretion, request the assistance of the
21 Department of Insurance in the consideration, adjustment, and
22 settlement of any claim under this act.

23 (6)(a) An action may not be instituted on a claim
24 against the state or one of its agencies or subdivisions
25 unless the claimant presents the claim in writing to the
26 appropriate agency, and also, except as to any claim against a
27 municipality or the ~~Spaceport~~ Florida Space Authority,
28 presents such claim in writing to the Department of Insurance,
29 within 3 years after such claim accrues and the Department of
30 Insurance or the appropriate agency denies the claim in
31 writing; except that, if such claim is for contribution

1 pursuant to s. 768.31, it must be so presented within 6 months
2 after the judgment against the tortfeasor seeking contribution
3 has become final by lapse of time for appeal or after
4 appellate review or, if there is no such judgment, within 6
5 months after the tortfeasor seeking contribution has either
6 discharged the common liability by payment or agreed, while
7 the action is pending against her or him, to discharge the
8 common liability.

9 (7) In actions brought pursuant to this section,
10 process shall be served upon the head of the agency concerned
11 and also, except as to a defendant municipality or the
12 ~~Spaceport~~ Florida Space Authority, upon the Department of
13 Insurance; and the department or the agency concerned shall
14 have 30 days within which to plead thereto.

15 Section 23. This act shall take effect upon becoming a
16 law.

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19 SENATE SUMMARY

20 Changes the name of the Spaceport Florida Authority to
21 the Florida Space Authority. Revises the membership and
22 mission of the Spaceport Management Council and its
23 executive board.
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