

By the Committee on Commerce and Economic Opportunities; and
Senator Futch

310-1747-02

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 s. 331.304, F.S.;
11 naming certain spaceport territory; revising
12 the boundaries of spaceport territory; amending
13 s. 331.308, F.S.; conforming provisions to the
14 name change; revising membership of and
15 procedures related to the board of supervisors;
16 designating the Lieutenant Governor as the
17 chair of the board of supervisors and as the
18 state's space policy leader; amending s.
19 331.3101, F.S.; conforming provisions to the
20 name change; amending s. 331.349, F.S.;
21 changing the fiscal year of the authority;
22 amending s. 331.360, F.S.; conforming
23 provisions to the name change; conforming a
24 cross-reference; amending s. 331.367, F.S.;
25 revising the membership, mission,
26 administration, and reporting requirements of
27 the Spaceport Management Council and its
28 executive board; amending ss. 331.368, 331.405,
29 331.411, 339.137, 339.175, 768.28, F.S.;
30 conforming provisions to the name change;
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1 deleting obsolete provisions; providing
2 effective dates.

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4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 74.011, Florida Statutes, is
7 amended to read:

8 74.011 Scope.--In any eminent domain action, properly
9 instituted by and in the name of the state; the Department of
10 Transportation; any county, school board, municipality,
11 expressway authority, regional water supply authority,
12 transportation authority, flood control district, or drainage
13 or subdrainage district; the ship canal authority; any
14 lawfully constituted housing, port, or aviation authority; the
15 ~~Spaceport~~ Florida Space Authority; or any rural electric
16 cooperative, telephone cooperative corporation, or public
17 utility corporation, the petitioner may avail itself of the
18 provisions of this chapter to take possession and title in
19 advance of the entry of final judgment.

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

22 196.012 Definitions.--For the purpose of this chapter,
23 the following terms are defined as follows, except where the
24 context clearly indicates otherwise:

25 (6) Governmental, municipal, or public purpose or
26 function shall be deemed to be served or performed when the
27 lessee under any leasehold interest created in property of the
28 United States, the state or any of its political subdivisions,
29 or any municipality, agency, special district, authority, or
30 other public body corporate of the state is demonstrated to
31 perform a function or serve a governmental purpose which could

1 properly be performed or served by an appropriate governmental
2 unit or which is demonstrated to perform a function or serve a
3 purpose which would otherwise be a valid subject for the
4 allocation of public funds. For purposes of the preceding
5 sentence, an activity undertaken by a lessee which is
6 permitted under the terms of its lease of real property
7 designated as an aviation area on an airport layout plan which
8 has been approved by the Federal Aviation Administration and
9 which real property is used for the administration, operation,
10 business offices and activities related specifically thereto
11 in connection with the conduct of an aircraft full service
12 fixed base operation which provides goods and services to the
13 general aviation public in the promotion of air commerce shall
14 be deemed an activity which serves a governmental, municipal,
15 or public purpose or function. Any activity undertaken by a
16 lessee which is permitted under the terms of its lease of real
17 property designated as a public airport as defined in s.
18 332.004(14) by municipalities, agencies, special districts,
19 authorities, or other public bodies corporate and public
20 bodies politic of the state, a spaceport as defined in s.
21 331.303(19), or which is located in a deepwater port
22 identified in s. 403.021(9)(b) and owned by one of the
23 foregoing governmental units, subject to a leasehold or other
24 possessory interest of a nongovernmental lessee that is deemed
25 to perform an aviation, airport, aerospace, maritime, or port
26 purpose or operation shall be deemed an activity that serves a
27 governmental, municipal, or public purpose. The use by a
28 lessee, licensee, or management company of real property or a
29 portion thereof as a convention center, visitor center, sports
30 facility with permanent seating, concert hall, arena, stadium,
31 park, or beach is deemed a use that serves a governmental,

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

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

16 Section 3. Subsection (22) of section 212.02, Florida
17 Statutes, is amended to read:

18 212.02 Definitions.--The following terms and phrases
19 when used in this chapter have the meanings ascribed to them
20 in this section, except where the context clearly indicates a
21 different meaning:

22 (22) "Spaceport activities" means activities directed
23 or sponsored by the ~~Spaceport~~ Florida Space Authority on
24 spaceport territory pursuant to its powers and
25 responsibilities under the ~~Spaceport~~ Florida Space Authority
26 Act.

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

29 288.063 Contracts for transportation projects.--

30 (7) For the purpose of this section, the ~~Spaceport~~
31 Florida Space Authority may serve as the local government or

1 as the contracting agency for transportation projects within
2 spaceport territory as defined by s. 331.304.

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

5 288.075 Confidentiality of records.--

6 (1) As used in this section, the term "economic
7 development agency" means the Office of Tourism, Trade, and
8 Economic Development, any industrial development authority
9 created in accordance with part III of chapter 159 or by
10 special law, the ~~Spaceport~~ Florida Space Authority created in
11 part II of chapter 331, the Florida Commercial Space Financing
12 Corporation created in part III of chapter 331, the public
13 economic development agency of a county or municipality, or
14 any research and development authority created in accordance
15 with part V of chapter 159. The term also includes any private
16 agency, person, partnership, corporation, or business entity
17 when authorized by the state, a municipality, or a county to
18 promote the general business interests or industrial interests
19 of the state or that municipality or county.

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

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

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

1 industrial authorities, and the ~~Spaceport~~ Florida Space
2 Authority.

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

5 288.9415 International Trade Grants.--

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

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

13 288.9515 Authorized technology development programs.--

14 (4) Enterprise Florida, Inc., shall invest moneys
15 contained in the Florida Technology Research Investment Fund
16 in technology application research or for technology
17 development projects that have the potential for commercial
18 market application. The partnership shall coordinate any
19 investment in any space-related technology projects with the
20 ~~Spaceport~~ Florida Space Authority and the Technological
21 Research and Development Authority.

22 (a) The investment of moneys contained in the Florida
23 Technology Research Investment Fund is limited to investments
24 in qualified securities in which a private enterprise in this
25 state coinvests at least 40 percent of the total project
26 costs, in conjunction with other cash or noncash investments
27 from state educational institutions, state and federal
28 agencies, or other institutions.

29 (b) For the purposes of this fund, qualified
30 securities include loans, loans convertible to equity, equity,
31 loans with warrants attached that are beneficially owned by

1 the board, royalty agreements, or any other contractual
2 arrangement in which the board is providing scientific and
3 technological services to any federal, state, county, or
4 municipal agency, or to any individual, corporation,
5 enterprise, association, or any other entity involving
6 technology development.

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

12 (d) In the event of liquidation or dissolution of
13 Enterprise Florida, Inc., or the Florida Technology Research
14 Investment Fund, any rights or interests in a qualified
15 security or portion of a qualified security purchased with
16 moneys invested by the State of Florida shall vest in the
17 state, under the control of the State Board of Administration.
18 The state is entitled to, in proportion to the amount of
19 investment in the fund by the state, any balance of funds
20 remaining in the Florida Technology Research Investment Fund
21 after payment of all debts and obligations upon liquidation or
22 dissolution of Enterprise Florida, Inc., or the fund.

23 (e) The investment of funds contained in the Florida
24 Technology Research Investment Fund does not constitute a
25 debt, liability, or obligation of the State of Florida or of
26 any political subdivision thereof, or a pledge of the faith
27 and credit of the state or of any such political subdivision.

28 Section 9. Paragraph (d) of subsection (3) of section
29 330.30, Florida Statutes, is amended to read:

30 330.30 Approval of airport sites and licensing of
31 airports; fees.--

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

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

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

11 331.301 Short title.--This act may be cited as the
12 "~~Spaceport~~ Florida Space Authority Act."

13 Section 11. Section 331.302, Florida Statutes, is
14 amended to read:

15 331.302 ~~Spaceport~~ Florida Space Authority; creation;
16 purpose.--

17 (1) It is the intent of the Legislature to provide a
18 unified direction for space-related economic growth and
19 educational development, to ensure a stable and dynamic
20 economic climate, to attract and maintain space-related
21 businesses suitable to the state, and to further the
22 coordination and development of Florida's economy.

23 (2) There is hereby established, formed, and created
24 the ~~Spaceport~~ Florida Space Authority, which is created and
25 incorporated as a public corporation, body politic, and
26 subdivision of the state to establish facilities or
27 complementary activities to enhance and provide commercial
28 space-related development opportunities for business,
29 education, and government, and which shall have all the
30 powers, rights, privileges, and authority as provided under
31 the laws of this state.

1 (3) It shall be the purpose, function, and
2 responsibility of the ~~Spaceport~~ Florida Space Authority to
3 develop a strategy for and implement the acceleration of
4 space-related economic growth and educational development
5 within the state. Projects in the state shall include the
6 space business incubators, space tourism activities and
7 centers, educational involvement in business incubators, and
8 the Spaceport Florida launch centers. It shall be the
9 authority's purpose, function, and responsibility to provide
10 projects in the state which will develop and improve the
11 entrepreneurial atmosphere, to provide coordination among
12 space businesses, Florida universities, space tourism, and the
13 Spaceport Florida launch centers, and to provide activities
14 designed to stimulate the development of space commerce. In
15 carrying out these duties and responsibilities, the authority
16 may advise and cooperate with municipalities, counties,
17 regional authorities, state agencies and organizations,
18 appropriate federal agencies and organizations, and other
19 interested persons and groups.

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

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

29 331.303 Definitions.--

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

1 (20) "Spaceport Florida" means the authority or its
2 facilities and projects.

3 Section 13. Section 331.304, Florida Statutes, is
4 amended to read:

5 331.304 Spaceport territory.--The following property
6 shall constitute spaceport territory:

7 (1) Certain real property located in Brevard County
8 that is included within the 1998 boundaries of Patrick Air
9 Force Base, Cape Canaveral Air Force Station, or John F.
10 Kennedy Space Center. The territory consisting of areas within
11 the John F. Kennedy Space Center and the Cape Canaveral Air
12 Force Station may be referred to as the "Cape Canaveral
13 Spaceport."

14 ~~(2) Certain real property located in Gulf County with~~
15 ~~the following boundaries:~~

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

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

20 ~~(c) Western boundary--The mean high water line of the~~
21 ~~shore along the Gulf of Mexico.~~

22 ~~(d) Southern boundary--The mean high water line of the~~
23 ~~shore along the Gulf of Mexico.~~

24 (2)(3) Certain real property located in Santa Rosa,
25 Okaloosa, Gulf, and Walton Counties which is included within
26 the 1997 boundaries of Eglin Air Force Base.

27 Section 14. Effective July 1, 2002, section 331.308,
28 Florida Statutes, is amended to read:

29 331.308 Board of supervisors.--

30 (1) There is created within the Spaceport Florida
31 Space Authority a board of supervisors consisting of:

- 1 (a) The Lieutenant Governor, serving as the chair;
2 (b) Six ~~seven~~ regular members, ~~who shall be~~ appointed
3 by the Governor; ~~and~~
4 (c) Two ex officio nonvoting members who are members
5 of the Legislature, one of whom shall be a state senator
6 selected by the President of the Senate and one of whom shall
7 be a state representative selected by the Speaker of the House
8 of Representatives; and
9 (d) The director of the Office of Tourism, Trade, and
10 Economic Development as an ex officio nonvoting member.

11
12 Regular members are, ~~all of whom shall be~~ subject to
13 confirmation by the Senate at the next regular session of the
14 Legislature. Each of the regular board members must be a
15 resident of the state and must have experience in the
16 aerospace or commercial space industry or in finance or have
17 other significant relevant experience. One regular member
18 shall represent organized labor interests and one regular
19 member shall represent minority interests.

20 (2) Each regular member shall serve a term of 4 years
21 or until a successor is appointed and qualified. The term of
22 each such member shall be construed to commence on the date of
23 appointment and to terminate on June 30 of the year of the end
24 of the term. Appointment to the board shall not preclude any
25 such member from holding any other private or public position.

26 (3) Each ~~The~~ ex officio nonvoting legislative member
27 members shall serve on the board for a 2-year term ~~terms~~.

28 (4) Any vacancy on the board shall be filled for the
29 balance of the unexpired term.

30 (5) The Lieutenant Governor is the state's space
31 policy leader. The Lieutenant Governor may designate a regular

1 member to serve as vice-chair of the board. The vice-chair
2 shall preside over board meetings in the absence of the chair.
3 The Lieutenant Governor may appoint the director of the Office
4 of Tourism, Trade, and Economic Development, as a proxy, to
5 vote for the Lieutenant Governor.~~Initial appointments shall~~
6 ~~be made no later than 60 days after this act takes effect.~~

7 (6) ~~The board shall hold its initial meeting no later~~
8 ~~than 20 days after the members have been appointed. At its~~
9 ~~initial meeting, or as soon thereafter as is practicable,~~The
10 board shall appoint an executive director. Meetings shall be
11 held quarterly or more frequently at the call of the chair. A
12 majority of the regular members of the board shall constitute
13 a quorum, and a majority vote of such members present is
14 necessary for any action taken by the board.

15 (7) The Governor may ~~has the authority to~~ remove from
16 the board any regular member in the manner and for cause as
17 defined by the laws of this state and applicable to situations
18 that which may arise before the board. Unless excused by the
19 chair of the board, a regular member's absence from two or
20 more consecutive board meetings creates a vacancy in the
21 office to which the member was appointed.

22 Section 15. Section 331.3101, Florida Statutes, is
23 amended to read:

24 331.3101 ~~Spaceport~~ Florida Space Authority; travel and
25 entertainment expenses.--

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

1 (a) For travel expenses of such business clients,
2 guests, and authorized persons incurred by the authority in
3 connection with the performance of its statutory duties, and
4 for travel expenses incurred by state officials and state
5 employees while accompanying such business clients, guests, or
6 authorized persons or when authorized by the board or its
7 designee.

8 (b) For entertainment expenses of such guests,
9 business clients, and authorized persons incurred by the
10 authority in connection with the performance of its statutory
11 duties, and for entertainment expenses incurred for authority
12 officials and employees when such expenses are incurred while
13 in the physical presence of such business clients, guests, or
14 authorized persons.

15 (2) The rules shall be subject to approval by the
16 Comptroller prior to promulgation. The rules shall require
17 the submission of paid receipts, or other proof prescribed by
18 the Comptroller, with any claim for reimbursement, and shall
19 require, as a condition for any advancement, an agreement to
20 submit paid receipts or other proof and to refund any unused
21 portion of the advancement within 15 days after the expense is
22 incurred or, if the advancement is made in connection with
23 travel, within 15 days after completion of the travel.
24 However, with respect to an advancement made solely for travel
25 expenses, the rules may allow paid receipts or other proof to
26 be submitted, and any unused portion of the advancement to be
27 refunded, within 30 days after completion of the travel.

28 (3) An annual report shall be made to the Legislature
29 not later than November 30 of each year for the previous
30 fiscal year, which shall consist of a synopsis concisely
31 summarizing all travel, entertainment, and incidental expenses

1 incurred within the United States and, separately, all travel,
2 entertainment, and incidental expenses incurred outside the
3 United States.

4 (4) No claim submitted under this section shall be
5 required to be sworn to before a notary public or other
6 officer authorized to administer oaths, but any claim
7 authorized or required to be made under any provision of this
8 section shall contain a statement that the expenses were
9 actually incurred as necessary travel or entertainment
10 expenses in the performance of official duties of the
11 authority and shall be verified by written declaration that it
12 is true and correct as to every material matter. Any person
13 who willfully makes and subscribes to any such claim which the
14 person does not believe to be true and correct as to every
15 material matter or who willfully aids or assists in, or
16 procures, counsels, or advises, the preparation or
17 presentation of a claim pursuant to this section, which claim
18 is fraudulent or false as to any material matter, whether or
19 not such falsity or fraud is with the knowledge or consent of
20 the person authorized or required to present such claim,
21 commits a misdemeanor of the second degree, punishable as
22 provided in s. 775.082 or s. 775.083. Whoever receives an
23 advancement or reimbursement by means of a false claim is
24 civilly liable, in the amount of the overpayment, for the
25 reimbursement of the public fund from which the claim was
26 paid.

27 Section 16. Section 331.349, Florida Statutes, is
28 amended to read:

29 331.349 Fiscal year of the authority.--The board has
30 the power to establish and from time to time redetermine the
31 fiscal year of the authority. Unless the board otherwise

1 provides, the authority's fiscal year shall be July ~~October~~ 1
2 through June ~~September~~ 30.

3 Section 17. Subsections (2) and (3) of section
4 331.360, Florida Statutes, are amended to read:

5 331.360 Joint project agreement or assistance;
6 spaceport master plan.--

7 (2) Notwithstanding any other provision of law, the
8 Department of Transportation may enter into a joint project
9 agreement with, or otherwise assist, the ~~Spaceport~~ Florida
10 Space Authority as necessary to effectuate the provisions of
11 this chapter and may allocate funds for such purposes in its
12 5-year work program. However, the department may not fund the
13 administrative or operational costs of the authority.

14 (3) The authority shall develop a spaceport master
15 plan for expansion and modernization of space transportation
16 facilities within spaceport territories as defined in s.
17 331.303(23)~~s. 331.303(22)~~. The plan shall contain
18 recommended projects to meet current and future commercial,
19 national, and state space transportation requirements. The
20 authority shall submit the plan to any appropriate M.P.O. for
21 review of intermodal impacts. The authority shall submit the
22 spaceport master plan to the Department of Transportation, and
23 such plan may be included within the department's 5-year work
24 program of qualifying aerospace discretionary capacity
25 improvement under subsection (4). The plan shall identify
26 appropriate funding levels and include recommendations on
27 appropriate sources of revenue that may be developed to
28 contribute to the State Transportation Trust Fund.

29 Section 18. Section 331.367, Florida Statutes, is
30 amended to read:

31 331.367 Spaceport Management Council.--

1 (1) The Spaceport Management Council is created within
2 the ~~Spaceport~~ Florida Space Authority to provide coordination
3 between government agencies and commercial operators for the
4 purpose of developing ~~and~~ recommendations on projects and
5 activities to ~~that~~ will increase the operability and
6 capabilities of Florida's space launch facilities, increase
7 statewide space-related industry and opportunities, and
8 promote space education, ~~and~~ research, and technology
9 development within the state. The council shall work to create
10 ~~develop~~ integrated facility and programmatic development plans
11 to address commercial, state, and federal requirements and to
12 identify appropriate private, state, and federal resources to
13 implement these plans.

14 (2) The council shall make recommendations regarding:

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

16 (b) The projects and levels of commercial financing
17 required from the Florida Commercial Space Financing
18 Corporation created by s. 331.407.

19 (c) Development and expansion of space-related
20 education and research facilities and programs within Florida
21 in consultation with the Florida Space Research Institute,
22 including recommendations to be provided to the State
23 University System, the Division of Community Colleges, and the
24 Department of Education.

25 (d) The regulation of spaceports and federal and state
26 policy.

27 (e) Appropriate levels of governmental and private
28 funding for sustainable ~~Florida's approach to the Federal~~
29 ~~Government regarding requests for funding of space~~
30 development.

31

1 (3) The council shall submit its recommendations to
2 the Governor and Lieutenant Governor and provide copies to the
3 Secretary of Transportation, the director of the Office of
4 Tourism, Trade, and Economic Development, the associate
5 administrator for Space Transportation in the United States
6 Department of Transportation, the administrator of the
7 National Aeronautics and Space Administration, the Deputy
8 Assistant Secretary of the Air Force for Space Plans and
9 Policy, and the ex officio nonvoting council members of the
10 Senate and the House of Representatives.

11 (4)(3)(a) The council shall be composed ~~consist~~ of an
12 executive board consisting, ~~which shall consist~~ of
13 representatives of governmental organizations having with
14 responsibilities for developing or operating space
15 transportation facilities, and a Space Industry Committee
16 consisting, ~~which shall consist~~ of representatives of
17 Florida's space industry.

18 (b) The executive board consists of the following
19 individuals or their designees ~~shall serve on the executive~~
20 ~~board:~~

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

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

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

27 ~~4. The Commander of the Naval Ordnance Test Unit or~~
28 ~~his or her designee.~~

29 ~~2.5.~~ The Secretary of Transportation ~~or his or her~~
30 ~~designee.~~

31

1 ~~3.6.~~ The president of Enterprise Florida, Inc., ~~or his~~
2 ~~or her designee,~~ as an ex officio nonvoting member.

3 ~~4.7.~~ The director of the Office of Tourism, Trade, and
4 Economic Development ~~or his or her designee,~~ as an ex officio
5 nonvoting member.

6 (c)1. Participation by the federal agencies having
7 space-related missions in the state will contribute to council
8 effectiveness, and the following installation heads or their
9 designees may serve as official liaisons to the council: the
10 director of the John F. Kennedy Space Center, the Commander of
11 the 45th Space Wing, and the Commander of the Naval Ordnance
12 Test Unit.

13 2. Federal liaison officials may attend and
14 participate in council meetings and deliberations, provide
15 federal-agency views on issues before the council, and present
16 issues of concern and make recommendations to the council.

17 3. The role of federal liaison officials is limited by
18 federal statutes and other constraints, but the determination
19 of this limitation is a federal function.

20 4. The fiduciary responsibility of the official
21 liaisons shall remain at all times with their respective
22 agencies.

23 5. To the extent that the advice or recommendations of
24 the official liaisons are not adopted or incorporated into the
25 final recommendations of the council, the official liaisons
26 may append to such final recommendations their advice,
27 recommendations, or opinions.

28 ~~(4) Each member shall be appointed to serve for a~~
29 ~~3-year term, beginning July 1. Initial appointments shall be~~
30 ~~made no later than 60 days after the effective date of this~~
31 ~~act.~~

1 ~~(5) The executive board shall hold its initial meeting~~
2 ~~no later than 30 days after the members have been appointed.~~
3 ~~The Space Industry Committee shall hold its initial meeting no~~
4 ~~later than 60 days after the members have been appointed.~~

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

7 (5)(7) The executive board ~~council~~ shall adopt bylaws
8 governing the manner in which the business of the council
9 shall be conducted. The bylaws shall specify the procedure by
10 which the chairperson of the council is elected.

11 (6)(8) The council shall provide infrastructure and
12 program requirements and develop other information to be
13 utilized in a 5-year spaceport master plan. The council shall
14 define goals and objectives concerning the development of
15 spaceport facilities and an intermodal transportation system
16 consistent with the goals of the Florida Transportation Plan
17 developed pursuant to s. 339.155.

18 (7)(9) The council shall provide requirements and
19 other information to be utilized in the development of a
20 5-year Spaceport Economic Development Plan, defining the goals
21 and objectives of the council concerning the development of
22 facilities for space manufacturing, research, technology and
23 development, and education ~~educational facilities.~~

24 (8)(10) The council shall meet at the call of its
25 chair ~~chairperson~~, at the request of two or more members of
26 the executive board ~~a majority of its membership~~, or at such
27 times as may be prescribed in its bylaws. However, the council
28 must meet at least semiannually. ~~A majority of voting members~~
29 ~~of the council constitutes a quorum for the purpose of~~
30 ~~transacting the business of the council.~~ A majority vote of
31 ~~the majority~~ of the voting members present is sufficient for

1 any action of the council, unless the bylaws of the council
2 require a greater vote for a particular action.

3 Section 19. Paragraph (a) of subsection (2) of section
4 331.368, Florida Statutes, is amended to read:

5 331.368 Florida Space Research Institute.--

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

8 (a) A representative of the ~~Spaceport~~ Florida Space
9 Authority.

10 Section 20. Subsection (2) of section 331.405, Florida
11 Statutes, is amended to read:

12 331.405 Definitions.--As used in this part:

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

15 Section 21. Section 331.411, Florida Statutes, is
16 amended to read:

17 331.411 Board of directors; powers and duties.--

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

21 (a) One representative appointed by each of the
22 following:

23 1. The board of supervisors of the ~~Spaceport~~ Florida
24 Space Authority.

25 2. The board of directors of the Florida Export
26 Finance Corporation.

27 3. The director of the Office of Tourism, Trade, and
28 Economic Development.

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

30 5. The Secretary of Transportation.

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

1 1. A member representing the investment banking
2 industry.

3 2. An attorney at law in private practice.
4

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

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

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

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

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

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

26 ~~(5) At its first meeting, the board shall appoint a~~
27 ~~president of the corporation from qualified candidates who~~
28 ~~have been screened and interviewed by the Spaceport Florida~~
29 ~~Authority.~~

30 (4)(6) Board members shall serve without compensation
31 but may be reimbursed for all necessary expenses in the

1 performance of their duties, including attending board
2 meetings and conducting board business.

3 (5)~~(7)~~ The board shall:

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

11 (b) Hold regularly scheduled meetings, at least
12 quarterly, in order to carry out the objectives and
13 responsibilities of the board.

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

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

24 2. Applicants must be domiciled in this state and will
25 be contractually obligated to use Florida launch facilities to
26 the maximum extent possible.

27 (d) Adopt requirements to ensure the full repayment of
28 loans and loan guarantees, plus accrued interest,
29 full-recourse claims, and indemnities on direct loan
30 originations sold by the corporation, and the solvency of any
31 insurance and coinsurance program extended under this part.

1 (e) Approve any extension of insurance, coinsurance,
2 loans, loan guarantees, or direct loan originations for sale
3 under this part.

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

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

13 (h) Develop a streamlined application and review
14 process.

15 Section 22. Subsection (3) of section 339.137, Florida
16 Statutes, is amended to read:

17 339.137 Transportation Outreach Program (TOP)
18 supporting economic development; administration; definitions;
19 eligible projects; Transportation Outreach Program (TOP)
20 advisory council created; limitations; funding.--

21 (3) Eligible projects include those for planning,
22 designing, acquiring rights-of-way for, or constructing the
23 following:

- 24 (a) Major highway improvements.
- 25 1. Florida Intrastate Highway System.
 - 26 2. Feeder roads which provide linkages to major
27 highways.
 - 28 3. Bridges of statewide or regional significance.
 - 29 4. Trade and economic development corridors.
 - 30 5. Access projects for freight and passengers.
 - 31 6. Hurricane evacuation routes.

- 1 (b) Major public transportation projects.
- 2 1. Seaport projects which improve cargo and passenger
- 3 movements.
- 4 2. Aviation projects which increase passenger
- 5 enplanements and cargo activity.
- 6 3. Transit projects which improve mobility on
- 7 interstate highways, or which improve regional or localized
- 8 travel.
- 9 4. Rail projects that facilitate the movement of
- 10 passengers and cargo including ancillary pedestrian
- 11 facilities.
- 12 5. ~~Seaport~~ Florida Space Authority projects which
- 13 improve space transportation capacity and facilities
- 14 consistent with the provisions of s. 331.360.
- 15 6. Bicycle and pedestrian facilities that add to or
- 16 enhance a statewide system of public trails.

17 (c) Highway and bridge projects that facilitate

18 retention and expansion of military installations, or that

19 facilitate reuse and development of any military base

20 designated for closure by the Federal Government.

21 Section 23. Paragraph (a) of subsection (2) of section

22 339.175, Florida Statutes, is amended to read:

23 339.175 Metropolitan planning organization.--It is the

24 intent of the Legislature to encourage and promote the safe

25 and efficient management, operation, and development of

26 surface transportation systems that will serve the mobility

27 needs of people and freight within and through urbanized areas

28 of this state while minimizing transportation-related fuel

29 consumption and air pollution. To accomplish these objectives,

30 metropolitan planning organizations, referred to in this

31 section as M.P.O.'s, shall develop, in cooperation with the

1 state and public transit operators, transportation plans and
2 programs for metropolitan areas. The plans and programs for
3 each metropolitan area must provide for the development and
4 integrated management and operation of transportation systems
5 and facilities, including pedestrian walkways and bicycle
6 transportation facilities that will function as an intermodal
7 transportation system for the metropolitan area, based upon
8 the prevailing principles provided in s. 334.046(1). The
9 process for developing such plans and programs shall provide
10 for consideration of all modes of transportation and shall be
11 continuing, cooperative, and comprehensive, to the degree
12 appropriate, based on the complexity of the transportation
13 problems to be addressed.

14 (2) VOTING MEMBERSHIP.--

15 (a) The voting membership of an M.P.O. shall consist
16 of not fewer than 5 or more than 19 apportioned members, the
17 exact number to be determined on an equitable
18 geographic-population ratio basis by the Governor, based on an
19 agreement among the affected units of general-purpose local
20 government as required by federal rules and regulations. The
21 Governor, in accordance with 23 U.S.C. s. 134, may also
22 provide for M.P.O. members who represent municipalities to
23 alternate with representatives from other municipalities
24 within the metropolitan planning area that do not have members
25 on the M.P.O. County commission members shall compose not less
26 than one-third of the M.P.O. membership, except for an M.P.O.
27 with more than 15 members located in a county with a
28 five-member county commission or an M.P.O. with 19 members
29 located in a county with no more than 6 county commissioners,
30 in which case county commission members may compose less than
31 one-third percent of the M.P.O. membership, but all county

1 commissioners must be members. All voting members shall be
2 elected officials of general-purpose governments, except that
3 an M.P.O. may include, as part of its apportioned voting
4 members, a member of a statutorily authorized planning board,
5 an official of an agency that operates or administers a major
6 mode of transportation, or an official of the ~~Spaceport~~
7 Florida Space Authority. The county commission shall compose
8 not less than 20 percent of the M.P.O. membership if an
9 official of an agency that operates or administers a major
10 mode of transportation has been appointed to an M.P.O.

11 Section 24. Subsections (2), (3), and (7) and
12 paragraph (a) of subsection (6) of section 768.28, Florida
13 Statutes, are amended to read:

14 768.28 Waiver of sovereign immunity in tort actions;
15 recovery limits; limitation on attorney fees; statute of
16 limitations; exclusions; indemnification; risk management
17 programs.--

18 (2) As used in this act, "state agencies or
19 subdivisions" include the executive departments, the
20 Legislature, the judicial branch (including public defenders),
21 and the independent establishments of the state; counties and
22 municipalities; and corporations primarily acting as
23 instrumentalities or agencies of the state, counties, or
24 municipalities, including the ~~Spaceport~~ Florida Space
25 Authority.

26 (3) Except for a municipality and the ~~Spaceport~~
27 Florida Space Authority, the affected agency or subdivision
28 may, at its discretion, request the assistance of the
29 Department of Insurance in the consideration, adjustment, and
30 settlement of any claim under this act.

31

1 (6)(a) An action may not be instituted on a claim
2 against the state or one of its agencies or subdivisions
3 unless the claimant presents the claim in writing to the
4 appropriate agency, and also, except as to any claim against a
5 municipality or the ~~Spaceport~~ Florida Space Authority,
6 presents such claim in writing to the Department of Insurance,
7 within 3 years after such claim accrues and the Department of
8 Insurance or the appropriate agency denies the claim in
9 writing; except that, if such claim is for contribution
10 pursuant to s. 768.31, it must be so presented within 6 months
11 after the judgment against the tortfeasor seeking contribution
12 has become final by lapse of time for appeal or after
13 appellate review or, if there is no such judgment, within 6
14 months after the tortfeasor seeking contribution has either
15 discharged the common liability by payment or agreed, while
16 the action is pending against her or him, to discharge the
17 common liability.

18 (7) In actions brought pursuant to this section,
19 process shall be served upon the head of the agency concerned
20 and also, except as to a defendant municipality or the
21 ~~Spaceport~~ Florida Space Authority, upon the Department of
22 Insurance; and the department or the agency concerned shall
23 have 30 days within which to plead thereto.

24 Section 25. Except as otherwise provided in this act,
25 this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 688

The Committee Substitute makes the following substantive changes to Senate Bill 688:

- 1) Revises the membership of and procedures related to the Spaceport Florida Authority board of supervisors, including designating the Lieutenant Governor as the chair of the board and as the state's space policy leader.
- 2) Provides a name reference for certain Spaceport Florida Authority territory and revises the description of authority territory to more accurately reflect existing territorial boundaries.
- 3) Conforms the Spaceport Florida Authority's statutory fiscal year to the fiscal year it administratively adopted in October 2000.