

By the Committee on Military and Veterans' Affairs, Base Protection, and Spaceports; and Senator Fasano

301-2071-03

1                                   A bill to be entitled  
2           An act relating to space-related growth and  
3           development; amending s. 288.075, F.S.;  
4           conforming provisions to changes made by the  
5           act; amending s. 331.303, F.S.; revising a  
6           definition; amending s. 331.308, F.S.; revising  
7           provisions relating to the board of supervisors  
8           for the Florida Space Authority; amending s.  
9           331.367, F.S.; conforming provisions to changes  
10          made by the act; amending s. 331.368, F.S.;  
11          revising the membership of the board of  
12          directors for the Florida Space Research  
13          Institute; clarifying the authority of the  
14          Florida Space Research Institute; providing for  
15          the submission of an annual report to the  
16          Commissioner of Education; amending s. 331.401,  
17          F.S.; conforming provisions to changes made by  
18          the act; amending s. 331.403, F.S.; revising  
19          legislative findings and intent; amending s.  
20          331.405, F.S.; defining the term "aerospace";  
21          amending s. 331.407, F.S.; redesignating the  
22          Florida Commercial Space Finance Corporation as  
23          the Florida Aerospace Finance Corporation;  
24          conforming provisions to changes made by the  
25          act; providing that the Florida Aerospace  
26          Finance Corporation is not an agency for  
27          certain purposes; amending ss. 331.409 and  
28          331.411, F.S.; conforming provisions to changes  
29          made by the act; providing an effective date.  
30  
31   Be It Enacted by the Legislature of the State of Florida:

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

3           288.075 Confidentiality of records.--

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

19           Section 2. Subsection (16) of section 331.303, Florida  
20 Statutes, is amended to read:

21           331.303 Definitions.--

22           (16) "Project" means any development, improvement,  
23 property, launch, utility, facility, system, works, road,  
24 sidewalk, enterprise, service, or convenience, which may  
25 include coordination with Enterprise Florida, Inc., the Board  
26 of Education ~~Regents~~, and the Space Research Foundation; any  
27 rocket, capsule, module, launch facility, assembly facility,  
28 operations or control facility, tracking facility,  
29 administrative facility, or any other type of space-related  
30 transportation vehicle, station, or facility; any type of  
31 equipment or instrument to be used or useful in connection

1 with any of the foregoing; any type of intellectual property  
2 and intellectual property protection in connection with any of  
3 the foregoing including, without limitation, any patent,  
4 copyright, trademark, and service mark for, among other  
5 things, computer software; any water, wastewater, gas, or  
6 electric utility system, plant, or distribution or collection  
7 system; any small business incubator initiative, including any  
8 startup aerospace company, research and development company,  
9 research and development facility, storage facility, and  
10 consulting service; or any tourism initiative, including any  
11 space experience attraction, space-launch-related activity,  
12 and space museum sponsored or promoted by the authority.

13 Section 3. Subsection (1) of section 331.308, Florida  
14 Statutes, is amended to read:

15 331.308 Board of supervisors.--

16 (1) There is created within the Florida Space  
17 Authority a board of supervisors consisting of eight regular  
18 members, who shall be appointed by the Governor, and two ex  
19 officio nonvoting members, one of whom shall be a state  
20 senator selected by the President of the Senate and one of  
21 whom shall be a state representative selected by the Speaker  
22 of the House of Representatives. The Lieutenant Governor, who  
23 is the state's space policy leader, shall preside over  
24 meetings ~~serve as chair~~ of the board of supervisors, and shall  
25 cast the deciding vote if the votes of the eight regular  
26 members result in a tie. The board shall elect a chair to  
27 preside in the absence of the Lieutenant Governor and to  
28 perform such other duties as may be designated. All regular  
29 members shall be subject to confirmation by the Senate at the  
30 next regular session of the Legislature. Existing board  
31 members are not prohibited from reappointment. Each of the

1 regular board members must be a resident of the state and must  
2 have experience in the aerospace or commercial space industry  
3 or in finance or have other significant relevant experience. A  
4 private sector legal entity may not have more than one person  
5 serving on the board at any one time. One regular member shall  
6 represent organized labor interests, one regular member shall  
7 represent minority interests, and four regular members must  
8 represent space industry, at least one of whom must also be  
9 from a small business, as defined in s. 288.703. For the  
10 purpose of this section, "space industry" includes private  
11 sector entities engaged in space flight business, as defined  
12 in s. 212.031, research and technology development of  
13 space-based products and services, space station  
14 commercialization, development of spaceport and range  
15 technology, remote sensing products and services, space  
16 biotechnology, measurement and calibration of space assets,  
17 space-related software and information technology development,  
18 design and architecture of space-based assets and facilities  
19 for manufacturing and other purposes, space-related  
20 nanotechnology, space tourism, and other commercial  
21 enterprises utilizing uniquely space-based capabilities.

22 Section 4. Paragraph (b) of subsection (2) of section  
23 331.367, Florida Statutes, is amended to read:

24 331.367 Spaceport Management Council.--

25 (2) The council shall make recommendations regarding:

26 (b) The projects and levels of commercial financing  
27 required from the Florida Aerospace Finance ~~Commercial Space~~  
28 ~~Financing~~ Corporation created by s. 331.407.

29 Section 5. Section 331.368, Florida Statutes, is  
30 amended to read:

31 331.368 Florida Space Research Institute.--

1           (1) There is created the Florida Space Research  
2 Institute, the purpose of which is to serve as an  
3 industry-driven center for research, leveraging the state's  
4 resources in a collaborative effort to support Florida's space  
5 industry and its expansion, diversification, and transition to  
6 commercialization.

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

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

10           (b) A representative of Enterprise Florida, Inc.

11           (c) A representative of the Florida Aviation Aerospace  
12 Alliance.

13           (d) A representative of the Florida Space Business  
14 Roundtable.

15           (e) Additional private-sector representatives from the  
16 space industry selected collaboratively by the core members  
17 specified in paragraphs (a)-(d). The additional space industry  
18 representatives under this paragraph must comprise the  
19 majority of members of the board and must be from geographic  
20 regions throughout the state. Each private-sector  
21 representative shall be appointed to a term of 3 years.

22           (f) Two representatives from the educational community  
23 who are selected collaboratively by the core members specified  
24 in paragraphs (a)-(d) and who are engaged in research or  
25 instruction related to the space industry. One representative  
26 must be from a community college, and one representative must  
27 be from a public or private university. Each educational  
28 representative shall be appointed to a term of 2 years.

29           (g) Additional ex officio, nonvoting representatives  
30 selected collaboratively by the core members.

31

1           (3) Annually, the members of the board shall select  
2 one of the members to serve as chair, who shall be responsible  
3 for convening and leading meetings of the board.

4           (4) Board members are considered to be volunteers as  
5 defined in s. 110.501 and shall serve with all protections  
6 provided to volunteers of state agencies under s. 768.1355.

7           (5) For the purposes of contracts and grants, s.  
8 216.346 shall apply to the institute's programs with state  
9 universities and community colleges.

10           (6) The Florida Space Research Institute may:

11           (a) Acquire property under such conditions as the  
12 board may deem necessary or desirable, and sell or otherwise  
13 dispose of the same.

14           (b) Serve as a coordinating organization among public  
15 and private academic institutions, industry, and government  
16 agencies to support the expansion and diversification of  
17 Florida's space industry, and to support research and  
18 education programs.

19           (c) Execute contracts and other documents, adopt  
20 proceedings, and perform any acts determined by the board to  
21 be necessary to carry out the purposes of this section.

22           (d) Establish a personnel-management system and  
23 procedures, rules, and rates governing administrative and  
24 financial operations of the institute.

25           (e) Acquire, accept, or administer grants, contracts,  
26 and fees from other organizations to perform activities that  
27 are consistent with the purposes of this section.

28           (f) Work in partnership with the Florida Space  
29 Authority, Enterprise Florida, Inc., the Department of  
30 Education, and other organizations to support their programs  
31

1 to promote the state as a center for space enterprise,  
2 research, and technology development.

3 (7)(3) The board of the Florida Space Research  
4 Institute shall:

5 (a) Set the strategic direction for the space-related  
6 research priorities of the state and its space-related  
7 businesses, the scope of research projects for the institute,  
8 and the timeframes for completion.

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

15 (c) Select a lead university to:

16 1. Serve as coordinator of research for ~~and as the~~  
17 ~~administrative entity of~~ the institute;

18 2. Support the institute's development of a statewide  
19 space research agenda and programs; and

20 3. Develop, and update as necessary, a report  
21 recommending ways that the state's public and private  
22 universities can work in partnership to support the state's  
23 space-industry requirements, ~~which report must be completed by~~  
24 ~~December 15, 2000.~~

25 (d) Establish a partnership with the state Workforce  
26 Development Board, or its successor entity, under which the  
27 institute coordinates the workforce-training requirements  
28 identified by the space industry and supports development of  
29 workforce-training initiatives to meet such requirements,  
30 using training providers approved by the board or its  
31 successor entity.

1           (e) Comanage, with the National Aeronautics and Space  
2 Administration and subject to the terms of an agreement with  
3 NASA, operation of a Space Experiment Research and Processing  
4 Laboratory, if such a facility is constructed on land of the  
5 John F. Kennedy Space Center. The institute shall carry out  
6 such responsibility through a consortium of public and private  
7 universities in the state led by the University of Florida.

8           (f) Develop initiatives to foster the participation of  
9 the state's space industry in the International Space Station  
10 and to help the state maintain and enhance its competitive  
11 position in the commercial space-transportation industry.

12           (g) Pursue partnerships with the National Aeronautics  
13 and Space Administration to coordinate and conduct research in  
14 fields including, but not limited to, environmental  
15 monitoring; agriculture; aquatics; resource reutilization  
16 technologies for long-duration space missions; and spaceport  
17 technologies which support current or next-generation launch  
18 vehicles and range systems.

19           (h) Pursue partnerships with the National Aeronautics  
20 and Space Administration for the conduct of space-related  
21 research using computer technology to connect experts in a  
22 given field of science who are in disparate locations and to  
23 perform research experiments in a real-time, virtual  
24 environment.

25           (i) Appoint or dismiss, as deemed necessary by the  
26 board, a person to act as executive director of the institute,  
27 who shall have such other functions, duties, powers, and  
28 salary as the board prescribes.

29           ~~(8)(4)~~ By December 15 of each year, the institute  
30 shall submit a report of its activities and accomplishments  
31 for the year to the Governor, the President of the Senate, ~~and~~



1 the Speaker of the House of Representatives, and the  
2 Commissioner of Education. The report shall also include  
3 recommendations regarding actions the state should take to  
4 enhance the development of space-related businesses,  
5 including:

6 (a) Future research activities.

7 (b) The development of capital and technology  
8 assistance to new and expanding industries.

9 (c) The removal of regulatory impediments.

10 (d) The establishment of business development  
11 incentives.

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

14 Section 6. Section 331.401, Florida Statutes, is  
15 amended to read:

16 331.401 Short title.--Sections 331.401-331.419 may be  
17 cited as the "Florida Aerospace Finance ~~Commercial Space~~  
18 ~~Financing~~ Corporation Act."

19 Section 7. Section 331.403, Florida Statutes, is  
20 amended to read:

21 331.403 Legislative findings and intent.--The  
22 Legislature finds that the expansion of state and federal  
23 support for the aerospace industry in Florida is critical to  
24 the continued development of a viable commercial aerospace  
25 ~~space~~ industry and the technical and scientific job base for  
26 its citizens. This development of commercial opportunities in  
27 Florida is slowed by the lack of traditional business  
28 financing tools such as securitization for industrial  
29 development. Florida's launch industry is also being  
30 challenged by the provision of such industry assistance by  
31 other countries. Florida's aerospace industry could be

1 assisted by a corporation established to work with the United  
2 States Export-Import Bank, the Small Business Administration,  
3 the National Aeronautics and Space Administration, and other  
4 federal, state, and private sources to provide information,  
5 technical assistance, and financial support. It is the  
6 intention of the Legislature to retain and expand job  
7 opportunities for Florida citizens through this mechanism.

8 Section 8. Section 331.405, Florida Statutes, is  
9 amended to read:

10 331.405 Definitions.--As used in this part:

11 (1) "Account" means the account established pursuant  
12 to s. 331.415.

13 (2) "Aerospace" means the industry concerned with the  
14 design and manufacture of aircraft, rockets, missiles,  
15 spacecraft, satellites, space vehicles, space stations, space  
16 facilities, or components thereof, and equipment, systems,  
17 facilities, simulators, programs, and activities related  
18 thereto.

19 (3)~~(2)~~ "Authority" means the Florida Space Authority  
20 created by s. 331.302.

21 (4)~~(3)~~ "Board" means the governing body of the  
22 corporation.

23 (5)~~(4)~~ "Corporation" means the Florida Aerospace  
24 Finance Commercial Space Financing Corporation.

25 (6)~~(5)~~ "Domiciled in this state" means registered to  
26 do business in Florida.

27 (7)~~(6)~~ "Financial institution" has the same meaning as  
28 in s. 655.005(1)(h).

29 (8)~~(7)~~ "Financing agreement" has the same meaning as  
30 in s. 331.303(10).

31

1           (9)~~(8)~~ "Member" means an individual appointed to be a  
2 member of the board.

3           (10)~~(9)~~ "President" means the chief executive officer  
4 of the corporation.

5           Section 9. Section 331.407, Florida Statutes, is  
6 amended to read:

7           331.407 Florida Aerospace Finance ~~Commercial Space~~  
8 ~~Financing~~ Corporation.--

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

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

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

31

1           (b) To establish a network of contacts among those  
2 domestic and foreign public and private organizations which  
3 provide information, technical assistance, and financial  
4 support to the aerospace industry.

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

10           (d) To organize, host, and participate in seminars and  
11 other forums designed to disseminate information and technical  
12 assistance regarding aerospace-related ~~space-related~~  
13 financing.

14           (e) To insure, coinsure, lend, and guarantee loans,  
15 and to originate for sale direct aerospace-related  
16 ~~space-related~~ loans, pursuant to criteria, bylaws, policies,  
17 and procedures adopted by the board.

18           (f) To capitalize, underwrite, and secure funding for  
19 aerospace infrastructure, satellites, launch vehicles, and any  
20 service which supports aerospace launches.

21           (g) To construct, lease, or sell aerospace  
22 infrastructure, satellites, launch vehicles, and any other  
23 related activities and services.

24           (h) To acquire property, including real, personal,  
25 tangible, intangible, or mixed, under such conditions as the  
26 board may deem necessary or desirable, and sell or otherwise  
27 dispose of the same.

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

31

1           (3) It is the intent of the Legislature that the  
2 corporation shall not be considered an "agency" as defined in  
3 s. 216.011 or s. 287.012.

4           Section 10. Subsection (4) of section 331.409, Florida  
5 Statutes, is amended to read:

6           331.409 Powers and limitations.--

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

11           Section 11. Paragraphs (a) and (c) of subsection (5)  
12 of section 331.411, Florida Statutes, are amended to read:

13           331.411 Board of directors; powers and duties.--

14           (5) The board shall:

15           (a) Prior to the expenditure of funds from the  
16 account, adopt bylaws, rules, and policies necessary to carry  
17 out its responsibilities under this part, particularly with  
18 respect to the implementation of the corporation's programs to  
19 insure, coinsure, lend, provide loan guarantees, and make  
20 direct, guaranteed, or collateralized loans to support  
21 aerospace-related ~~space-related~~ transactions.

22           (c) Adopt policies, including criteria, establishing  
23 which aerospace-related ~~space-related~~ transactions shall be  
24 eligible for insurance, coinsurance, loan guarantees, and  
25 direct, guaranteed, or collateralized loans which may be  
26 extended by the corporation. To implement this paragraph, the  
27 board shall adopt rules which include the following criteria:

28           1. Any individual signing any corporation loan  
29 application and loan or guarantee agreement must have an  
30 equity interest in the business applying for financial  
31 assistance.

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

4           Section 12. This act shall take effect upon becoming a  
5 law.

6  
7                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8                   COMMITTEE SUBSTITUTE FOR  
9                   Senate Bill 1084

10 The bill provided the Legislature intended to review the  
11 operations of the Florida Space Authority. The committee  
substitute amended the bill to:

12 Provide that board of supervisors of the Florida Space  
13 Authority is to elect a chair to preside in the absence of the  
Lieutenant Governor and to perform other duties as may be  
14 required.

15 Implement a rotation schedule for members of the Florida Space  
Research Institute's board of supervisors.

16 Authorize the FSRI board to invite governmental officials to  
17 serve as non-voting members of the board of supervisors.

18 Clarify that board members are volunteers and are subject to  
all protections afforded to volunteers of state agencies.

19 Provide that contracts and grants issued by FSRI to state  
20 agencies are subject to certain restrictions on overhead  
/indirect costs.

21 Provide explicit authorization for FSRI to enter into  
22 agreements, employ staff, own property, and conduct other  
necessary activities.

23 In addition to existing reporting requirements, provides that  
24 FSRI is to report annually to the Secretary of Education.

25 Change the name of the Florida Commercial Space Financing  
Corporation to the "Florida Aerospace Finance Corporation".

26 Provide that the corporation is not a state agency for  
27 budgetary and procurement purposes.

28 Implement a number of clarifying/conforming statutory changes.  
29  
30  
31