

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Allen offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Commission on the Future of Space in Florida.--

(1) The Commission on the Future of Space in Florida is created. The commission shall be composed of 15 voting members, 9 of whom are appointed by the Governor, 3 of whom are appointed by the President of the Senate, and 3 of whom are appointed by the Speaker of the House of Representatives. In consultation with the Florida Congressional Delegation, the Governor shall appoint two members of the delegation or their designees to serve as ex officio, nonvoting members of the commission. In addition, the Lieutenant Governor, Secretary of Transportation, executive director of the Florida Space Authority, and director of the Agency for Workforce Innovation or their designees shall serve as ex officio, nonvoting members of the commission. The

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18 Governor's appointments must include one appointment from each
19 of the following groups:

20 (a) Aerospace manufacturing.

21 (b) Aerospace operations and maintenance.

22 (c) Aerospace finance.

23 (d) Aerospace research.

24 (e) Aerospace defense.

25 (f) Commercial aerospace services.

26 (g) An aerospace business with fewer than 250 employees.

27 (h) Enterprise Florida, Inc.

28 (i) An active member from a chapter of Students for the
29 Exploration and Development of Space (SEDS) based at a Florida
30 university.

31
32 The President of the Senate and the Speaker of the House of
33 Representatives shall each select one appointee from three of
34 the groups listed in paragraphs (a)-(i) and, in addition, shall
35 each appoint one member from their respective chambers of the
36 Legislature to serve as ex officio, nonvoting members.

37 Appointments under this subsection shall be made before July 31,
38 2005, and the first meeting shall be held no later than
39 September 1, 2005. The chair of the commission shall be elected
40 from among the voting members by majority vote of the membership
41 at its first meeting. Meetings shall be held upon the call of
42 the chair but not less frequently than monthly. Any vacancy
43 occurring in the membership of the commission shall be filled in
44 the same manner as the original appointment.

45 (2) Each voting member of the commission is entitled to
46 one vote, and action of the commission requires a majority vote

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47 of the voting members present. Action may not be taken if less
48 than a majority of all voting members is present.

49 (3) The commission may appoint an executive director who
50 shall report to the commission and serve at its pleasure. The
51 Office of Tourism, Trade, and Economic Development shall provide
52 the commission and the executive director with staff assistance.
53 The Office of Tourism, Trade, and Economic Development may, upon
54 the request of the commission, pay compensation to consultants
55 if such costs can be funded from the appropriation provided for
56 in this act.

57 (4) The commission shall:

58 (a) Identify the current and future opportunities in
59 aerospace operations, aerospace transport, aerospace education,
60 aerospace tourism, and other aerospace areas and make
61 recommendations for how the state can capitalize on such
62 opportunities.

63 (b) Review current federal, state, and local laws,
64 ordinances, and rules that affect the aerospace industry in the
65 state and recommend actions that will promote growth and
66 diversification of the industry.

67 (c) Examine the state's space-related policies and
68 programs and recommend needed changes, including the possible
69 restructuring of state space-related entities.

70 (d) Examine the ways in which aerospace industries,
71 including the component elements of manufacturing, assembly,
72 marketing, servicing, maintenance, logistical support, human
73 resources, and related research and development, can be
74 attracted to locate permanently or expand in the state and
75 recommend actions that can be taken by the state and local

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76 governments to accomplish this goal, including, but not limited
77 to, possible financing alternatives.

78 (e) Review existing studies to evaluate aerospace in the
79 state, identify underserved resources, and recommend actions
80 that can be taken to improve the competitiveness, availability,
81 efficiency, and economy of the aerospace industry of the state.

82 (f) Identify federal aid available to improve the state's
83 aerospace infrastructure and services and recommend strategies
84 to obtain such aid.

85 (g) Determine whether the state's secondary and
86 postsecondary schools are producing graduates who meet the
87 workforce needs of the state's aerospace industry and recommend
88 strategies to improve meeting those needs.

89 (5) The commission may appoint technical advisory
90 committees. Commission members and the members of any technical
91 advisory committees may not receive remuneration for their
92 services, but members other than public officers and employees
93 are entitled to be reimbursed by the Office of Tourism, Trade,
94 and Economic Development for travel and per diem expenses in
95 accordance with section 112.061, Florida Statutes. Public
96 officers and employees shall be reimbursed for travel and per
97 diem expenses by their respective agencies in accordance with
98 section 112.061, Florida Statutes.

99 (6) The commission must hold at least five public hearings
100 in different regions of the state to solicit input from the
101 public on the future of space in the state.

102 (7) All agencies under the control of the Governor are
103 directed and all other agencies are requested to render
104 assistance and cooperation to the commission.

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105 (8) The commission shall prepare a preliminary report of
106 its findings and recommendations by January 16, 2006, and a
107 final report with specific recommendations by January 30, 2006.
108 The Office of Tourism, Trade, and Economic Development shall
109 prepare legislative recommendations consistent with the
110 commission's reports for consideration by the Legislature at the
111 2006 Regular Session. Copies of the reports shall be submitted
112 to the Governor, the President of the Senate, and the Speaker of
113 the House of Representatives.

114 (9) The commission is abolished, and this section expires,
115 on May 31, 2006.

116 Section 2. The sum of \$300,000 is appropriated from the
117 State Transportation Trust Fund to the Department of
118 Transportation for transfer into the Economic Development Trust
119 Fund in the Executive Office of the Governor, Office of Tourism,
120 Trade, and Economic Development for Fiscal Year 2005-2006. The
121 sum of \$100,000 is appropriated from the Economic Development
122 Trust Fund to the Executive Office of the Governor, Office of
123 Tourism, Trade, and Economic Development for Fiscal Year 2005-
124 2006 for the purpose of implementing this act. The sum of
125 \$200,000 is appropriated from the Economic Development Trust
126 Fund to the Executive Office of the Governor, Office of Tourism,
127 Trade, and Economic Development for the Florida Aerospace
128 Finance Corporation operating costs.

129 Section 3. Section 68.066, Florida Statutes, is created to
130 read:

131 68.066 Actions based upon use of a creation that is not
132 protected under federal copyright law.--

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133 (1) Except as provided in subsection (2), no use of an
134 idea, procedure, process, system, method of operation, concept,
135 principle, discovery, thought, or other creation that is not a
136 work of authorship protected under federal copyright law may
137 give rise to a claim or cause of action, in law or in equity,
138 unless the parties to the claim or cause of action have executed
139 a writing sufficient to indicate that a contract has been made
140 between them governing such use.

141 (2) Nothing in subsection (1) shall affect or limit:

142 (a) Any cause of action based in copyright, trademark,
143 patent, or trade secret; or

144 (b) Any defense raised in connection with a cause of
145 action described in paragraph (a).

146 Section 3. Section 331.405, Florida Statutes, is amended
147 to read:

148 331.405 Definitions.--As used in this part:

149 (1) "Account" means the account established pursuant to s.
150 331.415.

151 (2) "Aerospace" means the industry concerned with the
152 design and manufacture of aircraft, rockets, missiles,
153 spacecraft, satellites, space vehicles, space stations, space
154 and defense facilities, or components thereof, and equipment,
155 systems, facilities, simulators, programs, and activities
156 related thereto.

157 (3) "Authority" means the Florida Space Authority created
158 by s. 331.302.

159 (4) "Board" means the governing body of the corporation.

160 (5) "Corporation" means the Florida Aerospace Finance
161 Corporation.

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162 (6) "Domiciled in this state" means registered to do
163 business in Florida.

164 (7) "Financial institution" has the same meaning as in s.
165 655.005(1)(h).

166 (8) "Financing agreement" has the same meaning as in s.
167 331.303(10).

168 (9) "Member" means an individual appointed to be a member
169 of the board.

170 (10) "President" means the chief executive officer of the
171 corporation.

172 Section 4. Effective July 1, 2005, and applying
173 retroactively to January 1, 2005, section 196.1999, Florida
174 Statutes, is created to read:

175 196.1999 Space laboratories and cargo carriers
176 exemption.--Notwithstanding other provisions of this chapter,
177 modules, pallets, racks, lockers, and their necessary associated
178 hardware and subsystems owned by any person and intended to be
179 used to transport or store cargo for space laboratories for the
180 primary purpose of conducting scientific research in space are
181 deemed to carry out a scientific purpose and are exempt from ad
182 valorem taxation.

183 Section 5. Sections 331.3685, 331.3686, 331.3687, and
184 331.3688, Florida Statutes, are created to read:

185 331.3685 Institute for Advanced Space Computing Act;
186 popular name.--Sections 331.3685-331.3688 may be cited as the
187 "Institute for Advanced Space Computing Act."

188 331.3686 Legislative findings and intent.--The Legislature
189 finds that there is a critical need to invest in the aerospace
190 infrastructure in this state in order to provide new high-wage
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191 jobs and long-term revenues for this state. The establishment of
192 an advanced space computing institute to articulate, coordinate,
193 and focus industrial and academic research will forge a path
194 toward applied technology and on to job growth and economic
195 development. The Legislature further finds that enhancing
196 aerospace infrastructure and establishing a focused and market-
197 driven space computing capability for this state will lead to
198 future economic development and diversification and a higher
199 quality of life for its citizens.

200 331.3687 Institute for advanced space computing.--The term
201 "institute for advanced space computing" or "institute" means an
202 organization established at or in collaboration with one or more
203 universities in this state to accomplish the purposes and
204 objectives of the Institute for Advanced Space Computing Program
205 of the Office of Tourism, Trade, and Economic Development and
206 with which the Florida Space Research Institute has contracted
207 to further those purposes and objectives.

208 331.3688 The Institute for Advanced Space Computing
209 Program.--

210 (1) An advanced space computing program is created within
211 the Office of Tourism, Trade, and Economic Development. The
212 program shall have the following purposes and objectives:

213 (a) Identify and pursue opportunities for university
214 scholars, research scientists and engineers, students, and
215 private businesses to form collaborative partnerships which
216 foster and promote the research required to develop commercially
217 viable, advanced, and innovative technologies and to transfer
218 those technologies to commercial sectors.

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219 (b) Leverage public and private sector funds for
220 personnel, facilities, equipment, and other resources which
221 support the research required to develop commercially viable,
222 advanced, and innovative technologies and to transfer those
223 technologies to commercial sectors.

224 (c) Recruit and retain world class scholars, high-
225 performing students, and leading scientists and engineers in
226 technology disciplines to engage in research.

227 (d) Enhance and expand technology curricula and laboratory
228 resources at universities in this state.

229 (e) Increase the number of high-performing students
230 participating in related technological disciplines, graduating
231 from Florida universities, and pursuing careers in this state.

232 (f) Stimulate and support the inception, growth, and
233 diversification of technology-based businesses and ventures in
234 this state and increasing employment opportunities for the
235 workforce needed to support such businesses.

236 (g) Identify an articulation and coordination system for
237 Florida aerospace industries, state government entities, and
238 public and private universities in this state to develop new
239 technologies that are responsive to market needs and to position
240 the state for diversification of its space and defense
241 industries.

242 (h) Position the state to participate in a growing
243 national space and defense market through the development of
244 technology that enhances mission capability, is responsive to
245 market opportunities, and maintains emerging and embryonic
246 research for long-term market positioning.

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247 (2) The Office of Tourism, Trade, and Economic Development
248 shall contract with the Florida Space Research Institute to
249 assist in implementing the advanced space computing program.

250 (3) By December 15, 2005, the Florida Space Research
251 Institute shall designate an institute for advanced space
252 computing and develop the institute's plan which fulfills the
253 purposes of ss. 331.3685-331.3688.

254 (4) The institute plan shall include performance and
255 accountability measures that can be used to assess the progress
256 of implementation, the success of the institute, and the use of
257 state funds received via contract. By February 1, 2006, the
258 Florida Space Research Institute shall provide a copy of the
259 plan to the Governor, the President of the Senate, and the
260 Speaker of the House of Representatives.

261 (5) Beginning July 1, 2006, the Florida Space Research
262 Institute shall prepare an advanced space computing report
263 semiannually and submit it to the Office of Tourism, Trade, and
264 Economic Development.

265 Section 6. Sections 331.501, 331.502, 331.503, 331.504,
266 331.505, 331.506, and 331.507, Florida Statutes, are created to
267 read:

268 331.501 Florida Aerospace Infrastructure Act; popular
269 name.--Sections 331.501-331.507 may be cited as the "Florida
270 Aerospace Infrastructure Act."

271 331.502 Legislative findings and intent.--The Legislature
272 finds that there is a critical need for capital assistance for
273 aerospace business expansion, economic development, and
274 financing of aerospace infrastructure. The aerospace industry in
275 this state would be assisted by a program established to invest

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276 in projects proposed by state and private sector entities that
277 provide clear economic benefit to the state and support the
278 growth of the employment and technology base of the aerospace
279 industry in Florida. It is the intention of the Legislature to
280 provide funding to support the growth of the aerospace industry
281 and related high-technology industries in this state.

282 331.503 Definitions.--For the purposes of ss. 331.501-
283 331.507, the term:

284 (1) "Aerospace industry" means the industry concerned with
285 the design and manufacture of aircraft, rockets, missiles,
286 spacecraft, satellites, space vehicles, space stations, or space
287 and defense facilities, or components thereof, and equipment,
288 systems, facilities, simulators, programs, and activities
289 related thereto.

290 (2) "Board" means the governing board of the Florida
291 Aerospace Finance Corporation.

292 (3) "Committee" means the Independent Investment Committee
293 created in s. 331.505 to provide investment recommendations to
294 the corporation for implementation.

295 (4) "Corporation" means the Florida Aerospace Finance
296 Corporation created by s. 331.407.

297 (5) "Program" means the Florida Aerospace Infrastructure
298 Program created in s. 331.504.

299 331.504 Florida Aerospace Infrastructure Program.--

300 (1) The Florida Aerospace Infrastructure Program is
301 created within the Florida Aerospace Finance Corporation to
302 finance needed industry expansion and infrastructure projects
303 which may be proposed by state aerospace-related organizations,
304 the aerospace industry, or the sponsor of any aerospace-related

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305 economic development or technology investment activity involving
306 aerospace business expansion and job retention. The program
307 shall support the growth of the aerospace industry and related
308 high-technology industries in this state.

309 (2) The corporation shall administer the program with
310 recommendations from the committee and subject to adequate due
311 diligence and adherence to investment policies and procedures of
312 the corporation.

313 (3) The corporation shall ensure that:

314 (a) Investment recommendations are implemented in
315 accordance with the board's policies and procedures.

316 (b) An investment account for future investments is
317 established to receive deposits from the Office of Tourism,
318 Trade, and Economic Development or other state, federal, or
319 private entities and to make awards pursuant to program
320 requirements.

321 (c) The investment portfolio is monitored and reported
322 quarterly to the committee, the corporation, Enterprise Florida,
323 Inc., and the Office of Tourism, Trade, and Economic
324 Development.

325 (4) (a) The corporation may provide direct loans, loan
326 guarantees, direct grants for advancement of intellectual
327 property, and other investment participation as necessary to
328 ensure success of total financings undertaken.

329 (b) Investment proposals may not be made for operating
330 expenses for any state activity, but shall be directed to the
331 development of aerospace infrastructure, technology, and
332 intellectual property that advances the capabilities of the
333 aerospace industry in this state.

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334 (c) The corporation shall seek coinvestors in any
335 investment transaction the corporation makes, ensuring that the
336 corporation is not the sole investor in the transaction. The
337 corporation may waive this provision if investment circumstances
338 warrant such waiver.

339 (d) The corporation shall not commit more than 20 percent
340 of the funds in the investment pool to any single investment.

341 (e) The corporation shall endeavor to leverage the
342 investment account through use of loan guarantee capabilities of
343 the Small Business Administration and other state and federal
344 guarantee sources.

345 (f) The corporation shall be reimbursed for reasonable
346 costs of investment and fund administration, including legal,
347 accounting, and other costs necessary to carry out its
348 responsibilities in conducting due diligence and which are not
349 otherwise reimbursed by the companies seeking or receiving
350 investment, as well as those administrative costs incurred by
351 the corporation in providing administrative services to the
352 committee.

353 (g) The corporation may not pledge or represent that the
354 corporation is authorized to pledge the full faith and credit of
355 the state.

356 (h) The corporation shall adopt policies and procedures
357 necessary to carry out its responsibilities under ss. 331.501-
358 331.507, particularly with respect to the board's
359 responsibilities in direct lending, loan support, or direct
360 grant or capital investment for projects approved for support by
361 the program. These policies shall be adopted prior to granting
362 awards.

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363 (i) The corporation shall develop an application and
364 review process for investment proposals submitted for
365 consideration by the committee.

366 (j) The corporation shall ensure that the program is open
367 to aerospace entities that are domiciled in this state or are
368 establishing facilities and infrastructure in the state
369 resulting in employment and economic benefit to this state.

370 331.505 Independent Investment Committee.--

371 (1) The Independent Investment Committee is created within
372 the Florida Aerospace Finance Corporation.

373 (2) (a) The committee shall consist of five voting members
374 as follows:

375 1. One representative or designee appointed by each of the
376 following:

377 a. The board of supervisors of the Florida Space
378 Authority.

379 b. The board of directors of Enterprise Florida, Inc.

380 c. The board of directors of the Florida Aerospace Finance
381 Corporation.

382 2. Two representatives of the aerospace industry appointed
383 by the Governor.

384 (b) Each voting member shall serve a 3-year term and,
385 except for the initial terms which shall begin upon appointment
386 and terminate on June 30, 2008, shall begin on July 1. Members
387 appointed pursuant to subparagraph (a)1. shall serve at the
388 pleasure of the appointing authority. Members appointed pursuant
389 to subparagraph (a)2. shall serve at the pleasure of the
390 Governor. Initial appointments shall be made no later than 60
391 days after July 1, 2005.

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392 (c) Committee members, if employed full time by any entity
393 that applies for financial support, must disclose their related
394 interest and recuse themselves from voting on that project.

395 (d) All members must be residents of the state.

396 (e) All members must have an investment, banking, or
397 aerospace industry background.

398 (f) Committee members shall serve without compensation but
399 may be reimbursed for travel and per diem expenses incurred in
400 the performance of board business and in accordance with
401 policies and procedures established by the corporation's board
402 and s. 112.061.

403 (3) The committee shall:

404 (a) Recommend evaluation criteria and monitoring
405 requirements for proposals submitted to the program.

406 (b) Recommend investment guidelines which ensure each
407 proposed project is judged on its merit, its perceived need, and
408 the investment return, benefit, or overall value to the
409 aerospace industry capability, employment, technology, or
410 infrastructure.

411 (c) Receive proposals from any of the state aerospace
412 entities, entities involved in economic development activities,
413 or Florida-based aerospace corporations.

414 (d) Review proposals and make recommendations to the
415 corporation.

416 (e) Review progress reports resulting from projects
417 approved by the corporation.

418 (f) Recommend and assist the corporation in reviewing,
419 drafting, and executing any contracts or other instruments
420 necessary for the corporation to exercise its powers.

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421 (g) Review whether appropriate investment and retention of
422 the program's capital base or other benefits are realized
423 through the investments of the program, except in the case of a
424 grant or equity investment, which shall be made based on value
425 received by the program.

426 331.506 Florida Aerospace Finance Corporation; tax-exempt
427 status.--The Florida Aerospace Finance Corporation, as created
428 by s. 331.407, is granted tax-exempt status. The corporation is
429 not required to pay taxes on any project or other property owned
430 by the corporation or upon any resulting income. All notes,
431 mortgages, security agreements, letters of credit, or other
432 instruments that arise out of or are given to secure the payment
433 of debt issued in conjunction with a project financed under the
434 corporation's authority are also free from taxation by the state
435 or any other local unit, political subdivision, or
436 instrumentality of the state. The tax exemption granted is not
437 applicable to taxes imposed on interest, income, or profits on
438 debt obligations owned by the corporation.

439 331.507 Annual report.--By December 31 of each year, the
440 corporation shall submit to the Governor, the President of the
441 Senate, the Speaker of the House of Representatives, the Senate
442 Minority Leader, and the House Minority Leader a complete and
443 detailed report on the Florida Aerospace Infrastructure Program
444 in accordance with s. 331.419 and setting forth:

445 (1) An evaluation of its activities and recommendations
446 for change.

447 (2) The program's impact on the participation of private
448 banks and other private organizations and individuals in the

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449 corporation's financing programs, and other economic and social
450 benefits to businesses in this state.

451 (3) The program's assets and liabilities at the end of its
452 most recent fiscal year.

453 Section 7. The Office of Tourism, Trade, and Economic
454 Development is authorized to expend funds from Fiscal Year 2005-
455 2006 appropriations to implement the provisions of this act.

456 Section 8. If any provision of this act or its application
457 to any person or circumstance is held invalid, the invalidity
458 does not affect other provisions or applications of this act
459 which can be given effect without the invalid provision or
460 application, and, to this end, the provisions of this act are
461 declared severable.

462 Section 9. This act shall take effect July 1, 2005.

463
464 ===== T I T L E A M E N D M E N T =====

465 Remove the entire title and insert:

466 A bill to be entitled
467 An act relating to the aerospace industry; creating the
468 Commission on the Future of Space in Florida; providing
469 for membership and organization of the commission;
470 providing procedures for action by the commission;
471 authorizing the commission to appoint an executive
472 director; providing for administrative and staff
473 assistance from the Office of Tourism, Trade, and Economic
474 Development; providing for compensation of consultants;
475 providing duties of the commission; requiring the
476 commission to identify, examine, and review certain
477 information related to aerospace and the aerospace

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478 industry; authorizing the commission to appoint technical
479 advisory committees; authorizing reimbursement of travel
480 expenses; requiring a certain number of meetings in
481 various regions of the state; directing certain agencies
482 and requesting other agencies to render assistance and
483 cooperation; requiring preliminary and final reports;
484 requiring the Office of Tourism, Trade, and Economic
485 Development to prepare legislative recommendations
486 consistent with the report; abolishing the commission;
487 providing an expiration date; providing appropriations;
488 creating s. 68.066, F.S.; providing requirements for
489 actions based upon use of a creation that is not protected
490 under federal copyright law; amending s. 331.405, F.S.;
491 revising the definition of "aerospace" for purposes of
492 provisions relating to the Florida Aerospace Finance
493 Corporation; creating s. 196.1999, F.S.; providing for an
494 exemption from ad valorem taxes for certain space
495 laboratories and cargo carriers; providing for retroactive
496 application; creating ss. 331.3685, 331.3686, 331.3687,
497 and 331.3688, F.S.; providing a popular name; providing
498 legislative findings and intent; providing a definition;
499 creating the Institute for Advanced Space Computing
500 Program within the Office of Tourism, Trade, and Economic
501 Development; providing purposes and objectives; requiring
502 the office to contract with the Florida Space Research
503 Institute to assist in implementing the program; requiring
504 the institute to designate an institute for advanced space
505 computing and develop and approve a plan for allocating
506 state appropriations for certain purposes; specifying plan

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507 requirements; requiring the institute to provide a copy of
508 the plan to the Governor and Legislature; requiring a
509 semiannual report to the office; creating ss. 331.501,
510 331.502, 331.503, 331.504, 331.505, 331.506, and 331.507,
511 F.S.; providing a popular name; providing legislative
512 findings and intent; providing definitions; creating the
513 Florida Aerospace Infrastructure Investment Program within
514 the Florida Aerospace Finance Corporation; providing
515 purposes; providing for funding the program; requiring the
516 corporation to administer the program; providing
517 requirements; providing the corporation with investment
518 authorizations, criteria, requirements, and limitations;
519 creating the Independent Investment Committee within the
520 corporation; providing purposes of the committee;
521 providing for appointment of committee members and
522 criteria; providing for terms; requiring members to serve
523 without compensation; providing for reimbursement of per
524 diem and travel expenses; providing committee
525 responsibilities; specifying tax-exempt status of the
526 corporation; exempting the corporation from all state and
527 local taxes; providing an exception; requiring the
528 corporation to prepare and submit annual reports;
529 providing requirements for such reports; authorizing the
530 Office of Tourism, Trade, and Economic Development to
531 expend certain funds; providing for severability;
532 providing an effective date.

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