

HB 1489

2006
CS

CHAMBER ACTION

1 The Spaceport & Technology Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the state's aerospace industry;
7 redesignating the "Florida Space Authority" as "Space
8 Florida"; creating s. 331.3011, F.S.; providing
9 legislative intent; providing definitions; revising and
10 consolidating the roles, purposes, responsibilities,
11 assets, and duties of the Florida Space Authority as those
12 of Space Florida; deleting authority to establish
13 facilities and complementary activities; providing
14 additional powers and duties of Space Florida; prohibiting
15 Space Florida from endorsing political candidates or
16 making campaign contributions; characterizing certain
17 property as Space Florida territory; creating s. 331.3051,
18 F.S.; providing additional powers and responsibilities of
19 Space Florida relating to the state's aerospace industry;
20 deleting authority to exercise eminent domain powers;
21 requiring Space Florida to create a business plan and a
22 marketing campaign; requiring Space Florida to coordinate
23 its activities with federal and state agencies; amending

Page 1 of 94

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1489-01-c1

HB 1489

2006
CS

24 s. 331.308, F.S.; replacing provisions providing for a
25 board of supervisors with provisions providing for a board
26 of directors of Space Florida; providing for designation
27 and appointment of members; providing requirements of
28 board members; providing for terms, removal of members,
29 and filling of vacancies; providing for board meetings;
30 specifying service without compensation; providing for
31 reimbursement of certain expenses; providing financial
32 disclosure requirements; revising powers and duties of the
33 board; amending ss. 331.301, 331.302, 331.303, 331.305,
34 331.306, 331.309, 331.310, 331.3101, 331.311, 331.312,
35 331.313, 331.315, 331.316, 331.317, 331.318, 331.319,
36 331.320, 331.321, 331.322, 331.323, 331.324, 331.325,
37 331.326, 331.327, 331.328, 331.329, 331.331, 331.333,
38 331.334, 331.335, 331.336, 331.337, 331.338, 331.339,
39 331.340, 331.343, 331.345, 331.346, 331.347, 331.348,
40 331.349, 331.350, 331.351, 331.354, 331.355, 331.360, and
41 331.369, F.S., to conform; amending ss. 14.2015, 74.011,
42 196.012, 212.02, 288.063, 288.075, 288.35, and 288.9415,
43 F.S., to conform; amending s. 212.08, F.S.; expanding the
44 exemption from the sales and use tax on certain machinery
45 and equipment; amending s. 212.20, F.S.; requiring dealers
46 at certain business locations to file returns with the
47 Department of Revenue disclosing certain sales tax
48 information; specifying return requirements; requiring the
49 department to distribute certain proceeds to Space
50 Florida; requiring expenditure of such proceeds for
51 certain purposes; creating s. 1004.86, F.S.; requiring the

Page 2 of 94

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1489-01-c1

HB 1489

2006
CS

52 Department of Education to establish the Florida Center
53 for Mathematics and Science Education Research at a public
54 state university; specifying requirements for the center;
55 repealing s. 331.314, F.S., relating to the exclusive
56 authority of the Florida Space Authority to regulate
57 spaceports; repealing s. 331.367, F.S., relating to the
58 Spaceport Management Council; repealing s. 331.368, F.S.,
59 relating to the Florida Space Research Institute;
60 repealing ss. 331.401, 331.403, 331.405, 331.407, 331.409,
61 331.411, 331.415, 331.417, and 331.419, F.S., relating to
62 the Florida Aerospace Finance Corporation; providing that
63 the Florida Space Authority, the Florida Space Research
64 Institute, and the Florida Aerospace Finance Corporation
65 are dissolved on a specified date; providing that Space
66 Florida assumes the records, property, and unexpended
67 balances of appropriations, allocations, and other funds
68 from the dissolved entities; requiring the Governor, the
69 President of the Senate, and the Speaker of the House of
70 Representatives to appoint the board of directors of Space
71 Florida by a specified date; requiring the board of
72 directors of Space Florida to hold its first meeting by a
73 specified date; amending ss. 228.1224, 288.9015, 445.004,
74 and 1001.10, F.S.; requiring the Florida Commission on
75 Tourism, Enterprise Florida, Inc., Workforce Florida,
76 Inc., and the Commissioner of Education to advise and
77 cooperate with Space Florida under certain circumstances;
78 providing an effective date.

79

HB 1489

2006
CS

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

81

82 Section 1. Section 331.301, Florida Statutes, is amended
83 to read:

84 331.301 Short title.--This act may be cited as the "Space
85 Florida ~~Space Authority~~ Act."

86 Section 2. Section 331.3011, Florida Statutes, is created
87 to read:

88 331.3011 Legislative findings and intent.--

89 (1) The Legislature finds and declares that the aerospace
90 industry of this state is integral to the state's long-term
91 success in diversifying its economy and building a knowledge-
92 based economy that is able to support the creation of high
93 value-added businesses and jobs. Further, under the direction
94 and leadership of a single, private-public board, this state has
95 the opportunity to strengthen its existing leadership in civil
96 and military aerospace activity and emerge as a leader in the
97 nation's new vision for space exploration and commercial
98 aerospace opportunities, including the integration of space,
99 aeronautics, and aviation technologies. As the leading location
100 for talent, research, advanced technologies and systems
101 development, launch, and other aerospace-based industry
102 activities, this state can position itself for sustainable
103 economic growth and prosperity.

104 (2) The Legislature finds that attaining this vision
105 requires a strong public and private commitment to a world class
106 aerospace industry. It is the intent of the Legislature that
107 Space Florida will encourage the public and private sectors to

HB 1489

2006
CS

108 work together to implement an aggressive strategy that enhances
109 the state's workforce, education, and research capabilities,
110 with emphasis on mathematics, science, engineering, and related
111 fields; will focus on the state's economic development efforts
112 in order to capture a larger share of activity in aerospace
113 research, technology, production, and commercial operations,
114 while maintaining the state's historical leadership in space
115 launch activities; and will preserve the unique national role
116 served by the Cape Canaveral Air Force Station and Kennedy Space
117 Center by reducing costs and improving the regulatory
118 flexibility for commercial sector launches while pursuing the
119 development of sites for commercial horizontal launches.

120 (3) It is the intent of the Legislature that aerospace
121 activities be highly visible and coordinated within this state.
122 To that end, it is the intent of the Legislature that Space
123 Florida provide a single point of contact for state aerospace-
124 related activities with federal agencies, the military, state
125 agencies, businesses, and the private sector.

126 Section 3. Section 331.302, Florida Statutes, is amended
127 to read:

128 (Substantial rewording of section. See
129 s. 331.302, F.S., for present text.)

130 331.302 Space Florida; creation; purpose.--

131 (1) There is established, formed, and created Space
132 Florida, which is created and incorporated as a public
133 corporation, body politic, and subdivision of the state to
134 foster the growth and development of a sustainable and world-
135 leading aerospace industry in this state. Space Florida shall

HB 1489

2006
CS

136 promote aerospace business development by facilitating business
 137 financing, spaceport operations, research and development,
 138 workforce development, and innovative education programs. Space
 139 Florida has all the powers, rights, privileges, and authority as
 140 provided under the laws of this state.

141 (2) In carrying out its duties and responsibilities, Space
 142 Florida shall advise, coordinate, cooperate, and, when
 143 necessary, enter into memoranda of agreement with
 144 municipalities, counties, regional authorities, state agencies
 145 and organizations, appropriate federal agencies and
 146 organizations, and other interested persons and groups.

147 (3) Space Florida may not endorse any candidate for any
 148 elected public office or contribute money to the campaign of any
 149 candidate for public office.

150 (4) Space Florida is not an agency as defined in ss.
 151 216.011 and 287.012.

152 Section 4. Section 331.303, Florida Statutes, is amended
 153 to read:

154 331.303 Definitions.--

155 (1) "Aerospace" means the industry that designs and
 156 manufactures aircraft, rockets, missiles, spacecraft,
 157 satellites, space vehicles, space stations, space facilities or
 158 components thereof, and equipment, systems, facilities,
 159 simulators, programs, and related activities. ~~"Authority" means~~
 160 ~~the Florida Space Authority created by this act.~~

161 (2) "Board" or "board of directors ~~supervisors~~" means the
 162 governing body of Space Florida ~~the authority.~~

HB 1489

2006
CS

163 (3) "Bonds" means revenue bonds, assessment bonds, or
 164 other bonds or obligations issued by Space Florida ~~the authority~~
 165 for the purpose of raising financing for its projects.

166 (4) "Business client" means any person, other than a state
 167 official or state employee, who receives the services of, or is
 168 the subject of solicitation by, representatives of Space Florida
 169 ~~the authority~~ in connection with the performance of its
 170 statutory duties, including purchasers or prospective purchasers
 171 of Space Florida ~~authority~~ services, persons or representatives
 172 of firms considering or being solicited for investment in Space
 173 Florida ~~authority~~ projects, persons or representatives of firms
 174 considering or being solicited for location, relocation, or
 175 expansion of an aerospace-related ~~a space-related~~ business
 176 within the state, and business, financial, or other persons
 177 connected with the aerospace ~~space~~ industry.

178 ~~(5) "Complementary activity" means any space business~~
 179 ~~incubator, space tourism activity, educational involvement in an~~
 180 ~~incubator, or space tourism and space-related research and~~
 181 ~~development.~~

182 ~~(6) "Conduit bond" means any bond of the authority which~~
 183 ~~is a nonrecourse obligation of the authority payable from the~~
 184 ~~proceeds of such bonds and related financing agreements.~~

185 (5)(7) "Cost" means all costs, fees, charges, expenses,
 186 and amounts associated with the development of projects by Space
 187 Florida ~~the authority~~.

188 (6)(8) "Entertainment expenses" means the actual,
 189 necessary, and reasonable costs of providing hospitality for
 190 business clients or guests, which costs are defined and

HB 1489

2006
CS

191 prescribed by rules adopted by Space Florida ~~the authority~~,
192 subject to approval by the Chief Financial Officer.

193 ~~(9) "Federal aid" means any property, funding, or other~~
194 ~~financial assistance provided by the Federal Government to the~~
195 ~~authority for its projects.~~

196 (7) ~~(10)~~ "Financing agreement" means a lease, lease-
197 purchase agreement, lease with option to purchase, sale or
198 installment sale agreement, whether title passes in whole or in
199 part at any time before ~~prior to~~, at, or after completion of the
200 project, loan agreement, or other agreement forming the basis
201 for the financing under this act, including any agreements,
202 guarantees, or security instruments forming part of or related
203 to providing assurance of payment of the obligations under the
204 ~~such~~ financing agreement.

205 (8) ~~(11)~~ "Guest" means a person, other than a state
206 official or state employee, authorized by the board or its
207 designee to receive the hospitality of Space Florida ~~the~~
208 ~~authority~~ in connection with the performance of its statutory
209 duties.

210 (9) ~~(12)~~ "Landing area" means the geographical area
211 designated by Space Florida ~~the authority~~ within the spaceport
212 territory for or intended for the landing and surface
213 maneuvering of any launch or other space vehicle.

214 (10) ~~(13)~~ "Launch pad" means any launch pad, runway,
215 airstrip, or similar facility ~~used by the spaceport or spaceport~~
216 ~~user~~ for launching ~~of~~ space vehicles.

HB 1489

2006
CS

217 (11)~~(14)~~ "Payload" means any property or cargo to be
218 transported aboard any vehicle launched by or from the
219 spaceport.

220 (12)~~(15)~~ "Person" means any individual, child, community
221 college, college, university, firm, association, joint venture,
222 partnership, estate, trust, business trust, syndicate,
223 fiduciary, corporation, nation, government (federal, state, or
224 local), agency (government or other), subdivision of the state,
225 municipality, county, business entity, or any other group or
226 combination.

227 (13)~~(16)~~ "Project" means any development, improvement,
228 property, launch, utility, facility, system, works, road,
229 sidewalk, enterprise, service, or convenience, which may include
230 coordination with state partners or agencies ~~Enterprise Florida,~~
231 ~~Inc., the Board of Education, the Florida Aerospace Finance~~
232 ~~Corporation, and the Florida Space Research Institute;~~ any
233 rocket, capsule, module, launch facility, assembly facility,
234 operations or control facility, tracking facility,
235 administrative facility, or any other type of aerospace-related
236 ~~space-related~~ transportation vehicle, station, or facility; any
237 type of equipment or instrument to be used or useful in
238 connection with any of the foregoing; any type of intellectual
239 property and intellectual property protection in connection with
240 any of the foregoing including, without limitation, any patent,
241 copyright, trademark, and service mark for, among other things,
242 computer software; any water, wastewater, gas, or electric
243 utility system, plant, or distribution or collection system; any
244 small business incubator initiative, including any startup

HB 1489

2006
CS

245 | aerospace company, and any aerospace business proposing to
 246 | expand or locate its business in this state, research and
 247 | development company, research and development facility,
 248 | education and workforce training facility, storage facility, and
 249 | consulting service; or any tourism initiative, including any
 250 | space experience attraction, microgravity flight program,
 251 | aerospace space-launch-related activity, and space museum
 252 | sponsored or promoted by Space Florida ~~the authority~~.

253 | ~~(14)-(17)~~ "Range" means the geographical area designated by
 254 | Space Florida ~~the authority~~ or other appropriate body as the
 255 | area for the launching of rockets, missiles, launch vehicles,
 256 | and other vehicles designed to reach high altitude.

257 | ~~(15)-(18)~~ "Recovery" means the recovery of space vehicles
 258 | and payloads which have been launched from or by a ~~the~~
 259 | spaceport.

260 | ~~(16)-(19)~~ "Spaceport" means any area of land or water, or
 261 | any manmade object or facility located therein, developed by
 262 | Space Florida ~~the authority~~ under this act, which area is
 263 | intended for public use or for the launching, takeoff, and
 264 | landing of spacecraft and aircraft, and includes any appurtenant
 265 | areas which are used or intended for public use, for spaceport
 266 | buildings, or for other spaceport facilities, spaceport
 267 | projects, or rights-of-way.

268 | ~~(20)~~ ~~"Spaceport Florida" means the authority or its~~
 269 | ~~facilities and projects.~~

270 | ~~(17)-(21)~~ "Spaceport launch facilities" means ~~shall be~~
 271 | ~~defined as~~ industrial facilities as described ~~in accordance with~~

HB 1489

2006
CS

272 s. 380.0651(3)(c) and include any launch pad, launch control
273 center, and fixed launch-support equipment.

274 ~~(22) "Spaceport system" means the programs, organizations,~~
275 ~~and infrastructure developed by the authority for the~~
276 ~~development of facilities or activities to enhance and provide~~
277 ~~commercial space-related development opportunities for business,~~
278 ~~education, and government within the state.~~

279 (18)~~(23)~~ "Spaceport territory" means the geographical area
280 designated in s. 331.304 and as amended or changed in accordance
281 with s. 331.329.

282 (19)~~(24)~~ "Spaceport user" means any person who uses the
283 facilities or services of any spaceport; and, for the purposes
284 of any exemptions or rights granted under this act, the said
285 spaceport user shall be deemed a spaceport user only during the
286 time period in which the ~~such~~ person has in effect a contract,
287 memorandum of understanding, or agreement with the spaceport,
288 and such rights and exemptions shall be granted with respect to
289 transactions relating only to spaceport projects.

290 (20)~~(25)~~ "Travel expenses" means the actual, necessary,
291 and reasonable costs of transportation, meals, lodging, and
292 incidental expenses normally incurred by a traveler, which costs
293 are defined and prescribed by rules adopted by Space Florida ~~the~~
294 ~~authority~~, subject to approval by the Chief Financial Officer.

295 (21)~~(26)~~ "Spaceport discretionary capacity improvement
296 projects" means capacity improvements that enhance space
297 transportation capacity at spaceports that have had one or more
298 orbital or suborbital flights during the previous calendar year
299 or have an agreement in writing for installation of one or more

HB 1489

2006
CS

300 regularly scheduled orbital or suborbital flights upon the
301 commitment of funds for stipulated spaceport capital
302 improvements.

303 Section 5. Section 331.305, Florida Statutes, is amended
304 to read:

305 331.305 Powers of Space Florida ~~the authority~~.--Space
306 Florida may ~~The authority shall have the power to:~~

307 (1) Exercise all powers granted to corporations under the
308 Florida Business Corporation Act, chapter 607.

309 (2) Sue and be sued by its name in any court of law or in
310 equity.

311 (3) Adopt and use a corporate seal and alter the same at
312 pleasure.

313 ~~(4) Review and make recommendations with respect to a~~
314 ~~strategy to guide and facilitate the future of space related~~
315 ~~educational and commercial development. The authority shall in~~
316 ~~coordination with the Federal Government, private industry, and~~
317 ~~Florida universities develop a business plan which shall address~~
318 ~~the expansion of Spaceport Florida locations, space launch~~
319 ~~capacity, spaceport projects, and complementary activities,~~
320 ~~which shall include, but not be limited to, a detailed analysis~~
321 ~~of:~~

322 ~~(a) The authority and the commercial space industry.~~

323 ~~(b) Products, services description potential,~~
324 ~~technologies, skills.~~

325 ~~(c) Market research and evaluation customers,~~
326 ~~competition, economics.~~

327 ~~(d) Marketing plan and strategy.~~

328 ~~(e) Design and development plan tasks, difficulties,~~
 329 ~~costs.~~

330 ~~(f) Manufacturing locations, facilities, and operations~~
 331 ~~plan.~~

332 ~~(g) Management organization roles and responsibilities.~~

333 ~~(h) Overall schedule (monthly).~~

334 ~~(i) Important risks, assumptions, and problems.~~

335 ~~(j) Community impact economic, human development,~~
 336 ~~community development.~~

337 ~~(k) Financial plan (monthly for first year; quarterly for~~
 338 ~~next 3 years).~~

339 ~~(l) Proposed authority offering financing,~~
 340 ~~capitalization, use of funds.~~

341 (4)~~(5)~~ Acquire property, real, personal, intangible,
 342 tangible, or mixed, within or without its territorial limits, in
 343 fee simple or any lesser interest or estate, by purchase, gift,
 344 devise, or lease, on such terms and conditions as the board may
 345 deem necessary or desirable, and sell or otherwise dispose of
 346 the same and of any of the assets and properties of Space
 347 Florida ~~the authority.~~

348 (5)~~(6)~~ Make and execute any and all contracts and other
 349 instruments necessary or convenient to the exercise of its
 350 powers, including financing agreements with persons or spaceport
 351 users to facilitate the financing, construction, leasing, or
 352 sale of any project.

353 (6)~~(7)~~ Whenever deemed necessary by the board, lease as
 354 lessor or lessee to or from any person, public or private, any
 355 facilities or property for the use of Space Florida ~~the~~

HB 1489

2006
CS

356 ~~authority~~ and carry out any of the purposes of Space Florida ~~the~~
357 ~~authority~~.

358 ~~(8) Appoint, through its board of supervisors, an~~
359 ~~executive director.~~

360 (7)(9) Own, acquire, construct, develop, create,
361 reconstruct, equip, operate, maintain, extend, and improve
362 launch pads, landing areas, ranges, payload assembly buildings,
363 payload processing facilities, laboratories, aerospace ~~space~~
364 business incubators, launch vehicles, payloads, space flight
365 hardware, facilities and equipment for the construction of
366 payloads, space flight hardware, rockets, and other launch
367 vehicles, and other spaceport facilities and other aerospace-
368 related ~~space-related~~ systems, including educational, cultural,
369 and parking facilities and aerospace-related ~~space-related~~
370 initiatives.

371 (8) Insure, coinsure, lend, and guarantee loans and to
372 originate for sale direct aerospace-related loans, pursuant to
373 criteria, bylaws, policies, and procedures adopted by the board.

374 (9) Capitalize, underwrite, and secure funding for
375 aerospace infrastructure, satellites, launch vehicles, and any
376 service that supports aerospace launches.

377 (10) Construct, lease, or sell aerospace infrastructure,
378 satellites, launch vehicles, and any other related activities
379 and services.

380 (11) Acquire, accept, or administer grants, contracts, and
381 fees from other organizations to perform activities that are
382 consistent with the purposes of this section.

HB 1489

2006
CS

383 ~~(10) Undertake a program of advertising to the public~~
 384 ~~promoting space related businesses or any spaceport projects of~~
 385 ~~the authority, and expend moneys and undertake such activities~~
 386 ~~to carry out such advertising and promotional program as the~~
 387 ~~board from time to time may determine.~~

388 (12)~~(11)~~ Own, acquire, construct, reconstruct, equip,
 389 operate, maintain, extend, or ~~and~~ improve transportation
 390 facilities appropriate to meet the transportation requirements
 391 of Space Florida ~~the authority~~ and activities conducted within
 392 the spaceport territory.

393 (13)~~(12)~~ Own, acquire, construct, reconstruct, equip,
 394 operate, maintain, extend, or ~~and~~ improve electric power plants,
 395 transmission lines and related facilities, gas mains and
 396 facilities of any nature for the production or distribution of
 397 natural gas, transmission lines and related facilities and
 398 plants and facilities for the generation and transmission of
 399 power through traditional and new and experimental sources of
 400 power and energy; purchase electric power, natural gas, and
 401 other sources of power for distribution within any spaceport
 402 territory; develop and operate water and sewer systems and waste
 403 collection and disposal consistent with chapter 88-130, Laws of
 404 Florida; and develop and operate such new and experimental
 405 public utilities, including, but not limited to, centrally
 406 distributed heating and air-conditioning facilities and
 407 services, closed-circuit television systems, and computer
 408 services and facilities, as the board may from time to time
 409 determine. However, Space Florida may ~~the authority shall~~ not
 410 construct any system, work, project, or utility authorized to be

HB 1489

2006
CS

411 constructed under this paragraph in the event that a system,
 412 work, project, or utility of a similar character is being
 413 actually operated by a municipality or private company in the
 414 municipality or territory adjacent thereto, unless such
 415 municipality or private company consents to such construction.

416 (14)~~(13)~~ Designate, set aside, and maintain lands and
 417 areas within or without the territorial limits of any spaceport
 418 territory as conservation areas or bird and wildlife
 419 sanctuaries; stock such areas with animal and plant life and
 420 stock water areas with fish and other aquatic life; adopt
 421 pursuant to ss. 120.536(1) and 120.54 ~~promulgate~~ and enforce
 422 rules ~~and regulations~~ with respect thereto and protect and
 423 preserve the natural beauty thereof; and do all acts necessary
 424 or desirable in order to qualify such lands and areas as
 425 conservation areas and sanctuaries under any of the laws of the
 426 state or under federal law.

427 (15)~~(14)~~ Establish a program for the control, abatement,
 428 and elimination of mosquitoes and other noxious insects,
 429 rodents, reptiles, and other pests throughout the spaceport
 430 territory and undertake such works and construct such facilities
 431 within or without the spaceport territory as may be determined
 432 by the board to be needed to effectuate such program; abate and
 433 suppress mosquitoes and other arthropods, whether disease-
 434 bearing or pestiferous, within any spaceport territory when in
 435 the judgment of the board such action is necessary or desirable
 436 for the health and welfare of the inhabitants of or visitors to
 437 any spaceport; and take any and all temporary or permanent
 438 eliminative measures that the board may deem advisable. The

HB 1489

2006
CS

439 | Legislature hereby finds and declares Space Florida ~~the~~
 440 | ~~authority~~ eligible to receive state funds, supplies, services,
 441 | and equipment available or that may in the future become
 442 | available to mosquito or pest control districts, the provisions
 443 | of s. 388.021 notwithstanding.

444 | ~~(16)-(15)~~ Subject to the rules and regulations of the
 445 | appropriate water management district, own, acquire, construct,
 446 | reconstruct, equip, maintain, operate, extend, and improve water
 447 | and flood control facilities. The Legislature hereby finds and
 448 | declares Space Florida ~~the authority~~ eligible to receive moneys,
 449 | disbursements, and assistance from the state available to flood
 450 | control or water management districts and navigation districts
 451 | or agencies.

452 | ~~(17)-(16)~~ Own, acquire, construct, reconstruct, equip,
 453 | maintain, operate, extend, and improve public safety facilities
 454 | for the spaceport, including security stations, security
 455 | vehicles, fire stations, water mains and plugs, and fire trucks
 456 | and other vehicles and equipment; hire employees, security
 457 | officers, and firefighters; and undertake such works and
 458 | construct such facilities determined by the board to be
 459 | necessary or desirable to promote and ensure public safety
 460 | within the spaceport territory.

461 | ~~(18)-(17)~~ Hire, through its president ~~executive director~~, a
 462 | safety officer with substantial experience in public safety
 463 | procedures and programs for space vehicle launching and related
 464 | hazardous operations. The safety officer shall monitor and
 465 | report on the safety and hazards of ground-based space
 466 | operations to the president ~~executive director~~.

HB 1489

2006
CS

467 ~~(18) Establish a personnel management system for hiring~~
468 ~~employees and setting employee benefit packages. The personnel~~
469 ~~of the authority shall not be considered to be within the state~~
470 ~~employment system.~~

471 ~~(19) Establish procedures, rules, and rates governing per~~
472 ~~diem and travel expenses of its employees, the members of the~~
473 ~~board of supervisors, and other persons authorized by the board~~
474 ~~to incur such expenses. Except as otherwise provided in s.~~
475 ~~331.3101, such rules are subject to provisions of state law or~~
476 ~~rules pertaining to per diem and travel expenses of public~~
477 ~~officers, employees, or other persons authorized by an agency~~
478 ~~head to incur such expenses.~~

479 (19)~~(20)~~ Examine, develop, and use ~~utilize~~ new concepts,
480 designs, and ideas; own, acquire, construct, reconstruct, equip,
481 operate, maintain, extend, and improve experimental spaceport
482 facilities and services; and otherwise undertake, sponsor,
483 finance, and maintain such research activities, experimentation,
484 and development as the board may from time to time determine, in
485 connection with any of the projects that Space Florida ~~the~~
486 ~~authority~~ is authorized to undertake pursuant to the powers and
487 authority vested in it by this act, and in order to promote the
488 development and utilization of new concepts, designs, and ideas
489 in the fields of space exploration, commercialization of the
490 space industry, and spaceport facilities.

491 (20)~~(21)~~ Issue revenue bonds, assessment bonds, or any
492 other bonds or obligations authorized by the provisions of this
493 act or any other law, or any combination of the foregoing, and
494 pay all or part of the cost of the acquisition, construction,

HB 1489

2006
CS

495 reconstruction, extension, repair, improvement, or maintenance
 496 of any project or combination of projects, including payloads
 497 and space flight hardware, and equipment for research,
 498 development, and educational activities, to provide for any
 499 facility, service, or other activity of Space Florida ~~the~~
 500 ~~authority~~, and provide for the retirement or refunding of any
 501 bonds or obligations of Space Florida ~~the authority~~, or for any
 502 combination of the foregoing purposes. Space Florida ~~The~~
 503 ~~authority~~ must provide 14 days' notice to the presiding officers
 504 and appropriations chairs of both houses of the Legislature
 505 prior to presenting a bond proposal to the Governor and Cabinet.
 506 If either presiding officer or appropriations chair objects to
 507 the bonding proposal within the 14-day-notice period, the bond
 508 issuance may be approved only by a vote of three-fourths ~~two-~~
 509 ~~thirds~~ of the members of the Governor and Cabinet.

510 ~~(21)-(22)~~ Make expenditures for entertainment and travel
 511 expenses and business clients, guests, and other authorized
 512 persons as provided in this act.

513 ~~(22)-(23)~~ In connection with any financing agreement, fix
 514 and collect fees, loan payments, rental payments, and other
 515 charges for the use of any project in such amount as to provide
 516 sufficient moneys to pay the principal of and interest on bonds
 517 as the same shall become due and payable, if so provided in the
 518 bond resolution or trust agreement, and to create reserves for
 519 such purposes. The fees, rents, payments, and charges and all
 520 other revenues and proceeds derived from the project in
 521 connection with which the bonds of any issue shall have been
 522 issued, except such part thereof as may be necessary for such

HB 1489

2006
CS

523 reserves or any expenditures as may be provided in the
 524 resolution authorizing the issuance of the bonds or in the trust
 525 agreement securing the same, shall be set aside, at the time as
 526 may be specified in the resolution or trust agreement, in a
 527 sinking fund which may be pledged to and charged with the
 528 payment of the principal of and the interest on such bonds as
 529 the same shall become due and the redemption price or the
 530 purchase price of bonds retired by call or purchase as therein
 531 provided. Such pledge is ~~shall be~~ valid and binding from the
 532 time the pledge is made. The fees, rents, charges, and other
 533 revenues and moneys so pledged and thereafter received by or on
 534 behalf of Space Florida ~~the authority~~ shall immediately be
 535 subject to the lien of any such pledge without any physical
 536 delivery thereof or further act, and the lien of any such pledge
 537 is ~~shall be~~ valid and binding as against all parties having
 538 claims of any kind in tort, contract, or otherwise against Space
 539 Florida ~~the authority~~, irrespective of whether such parties have
 540 notice thereof. Neither the resolution nor any trust agreement
 541 by which a pledge is created need be filed or recorded, except
 542 in the records of Space Florida ~~the authority~~. The use and
 543 disposition of money to the credit of the sinking fund shall be
 544 subject to the provisions of the resolution authorizing the
 545 issuance of such bonds or the provisions of such trust
 546 agreement.

547 ~~(24) Exercise the right and power of eminent domain in~~
 548 ~~spaceport territory as defined in s. 331.304. In exercising such~~
 549 ~~power, the authority shall comply with the procedures and~~
 550 ~~requirements of chapters 73 and 74.~~

HB 1489

2006
CS

551 Section 6. Section 331.3051, Florida Statutes, is created
552 to read:

553 331.3051 Duties of Space Florida.--Space Florida shall:

554 (1) Create a business plan to foster the growth and
555 development of the aerospace industry. The business plan must
556 address business development; finance; spaceport operations;
557 research and development; workforce development; and education.
558 The business plan must be completed by March 1, 2007, and be
559 revised when determined as necessary by the board.

560 (2) Consult and coordinate to the extent possible with the
561 Department of Education, the Department of Transportation,
562 Enterprise Florida, Inc., the Florida Commission on Tourism and
563 its direct-support organization, and Workforce Florida, Inc.,
564 for the purpose of implementing this act.

565 (3) Consult with Enterprise Florida, Inc., in developing a
566 plan to retain, expand, attract, and create aerospace industry
567 entities, public or private, which results in the creation of
568 high-value-added businesses and jobs in this state.

569 (4) Create a marketing campaign to help attract, develop,
570 and retain aerospace businesses, aerospace research and
571 technology, and other related activities in this state. The
572 campaign must be coordinated with any existing economic-
573 development-promotion efforts in this state and may use private
574 resources. Marketing strategies may include developing
575 promotional materials, Internet and print advertising, public
576 relations and media placement, trade show attendance, and other
577 activities.

HB 1489

2006
CS

578 (5) Develop, with input from Enterprise Florida, Inc., and
579 the Florida Commission on Tourism and its direct-support
580 organization, a public advertising program promoting aerospace-
581 related activities, businesses, or any Space Florida projects.

582 (6) Develop, with input from Enterprise Florida, Inc., a
583 plan to finance aerospace businesses. The plan may include the
584 following activities:

585 (a) Assembling, publishing, and disseminating information
586 concerning financing opportunities and techniques for aerospace
587 projects, programs, and activities; sources of public and
588 private aerospace financing assistance; and sources of
589 aerospace-related financing.

590 (b) Organizing, hosting, and participating in seminars and
591 other forums designed to disseminate information and technical
592 assistance regarding aerospace-related financing.

593 (c) Coordinating with programs and goals of the Department
594 of Defense, the National Aeronautics and Space Administration,
595 the Export-Import Bank of the United States, the International
596 Trade Administration of the United States Department of
597 Commerce, the Foreign Credit Insurance Association, and other
598 private and public programs and organizations, domestic and
599 foreign.

600 (d) Establishing a network of contacts among those
601 domestic and foreign public and private organizations that
602 provide information, technical assistance, and financial support
603 to the aerospace industry.

604 (7) Carry out its responsibilities for spaceport
605 operations by:

HB 1489

2006
CS

606 (a) Seeking federal support and developing partnerships to
607 renew and upgrade the infrastructure and technologies at the
608 Cape Canaveral Air Force Station, the John F. Kennedy Space
609 Center, and the Eastern Range that will enhance space and
610 military programs of the Federal Government, and improve access
611 for commercial launch activities.

612 (b) Supporting federal efforts to clarify roles and
613 responsibilities of federal agencies, and eliminating
614 duplicative federal rules and policies, in an effort to
615 streamline access for commercial launch users.

616 (c) Pursuing the development of additional commercial
617 spaceports in the state through a competitive request for
618 proposals in partnership with counties or municipalities, the
619 Federal Government, or private entities.

620 (d) Promoting and facilitating launch activity within the
621 state by supporting and assisting commercial launch operators in
622 completing and submitting required documentation and gaining
623 approvals and authorization from the required federal agencies
624 for launching from Florida.

625 (e) Consulting, as necessary, with the appropriate
626 federal, state, and local authorities, including the National
627 Aeronautics and Space Administration, the Federal Aviation
628 Administration, the Department of Defense, the Department of
629 Transportation, the Florida National Guard, and industry on all
630 aspects of establishing and operating spaceport infrastructure
631 and related facilities within the state.

632 (8) Carry out its responsibility for research and
633 development by:

HB 1489

2006
CS

634 (a) Contracting for the operations of the state's Space
635 Life Sciences Laboratory.

636 (b) Working in collaboration with one or more universities
637 and other public or private entities to develop a proposal for a
638 Center of Excellence for Aerospace that will foster and promote
639 the research necessary to develop commercially promising,
640 advanced, and innovative science and technology and will
641 transfer those discoveries to the commercial sector.

642 (9) Carry out its responsibility for workforce
643 development, with input from Workforce Florida, Inc., community
644 colleges, colleges, public and private universities, and other
645 public and private partners to develop a plan to retain, train,
646 and retrain workers, from entry-level skills training through to
647 technician-level, and 4-year degrees and higher, with the skills
648 most relevant to aerospace employers.

649 (10) Carry out its responsibility for creating innovative
650 education programs by funding programs developed in conjunction
651 with the Department of Education that target grades K-20 in an
652 effort to promote mathematics and science education programs,
653 which may include the Florida-NASA Matching Grant Program,
654 aerospace-focused education programs for teachers, education-
655 oriented microgravity flight programs for teachers and students,
656 and Internet-based aerospace education. Funds collected pursuant
657 to s. 212.20(6)(d) and any in-kind or private-sector
658 contribution may be used to carry out innovative education
659 programs. In its annual report, Space Florida shall include, at
660 a minimum, a description of programs funded, the number of
661 students served, and private-sector support.

HB 1489

2006
CS

662 (11) Annually report on its performance with respect to
 663 its business plan, to include finance, spaceport operations,
 664 research and development, workforce development, and education.
 665 The report shall be submitted to the Governor, the President of
 666 the Senate, and the Speaker of the House of Representatives no
 667 later than September 1 for the prior fiscal year.

668 Section 7. Section 331.306, Florida Statutes, is amended
 669 to read:

670 331.306 Federal airspace notification.--In coordination
 671 with the Florida Department of Transportation, Space Florida ~~the~~
 672 ~~authority~~ shall develop and file the federal airspace
 673 notification required for priority airspace use.

674 Section 8. Section 331.308, Florida Statutes, is amended
 675 to read:

676 331.308 Board of directors ~~supervisors~~.--

677 (1) Space Florida shall be governed by a board of
 678 directors. Designees of appointed members do not have voting
 679 authority. The board of directors shall consist of the following
 680 members:

681 (a) The Governor or the Governor's designee.

682 (b) The Secretary of Transportation or the secretary's
 683 designee.

684 (c) The president of Workforce Florida, Inc., or the
 685 president's designee.

686 (d) The president of Enterprise Florida, Inc., or the
 687 president's designee.

688 (e) The president of the direct-support organization of
 689 the Florida Commission on Tourism or the president's designee.

HB 1489

2006
CS

690 (f) The Commissioner of Education or the commissioner's
691 designee.

692 (g) Eight members from the private sector, one of whom
693 shall be a representative of organized labor, appointed by the
694 Governor. In making these appointments, the Governor shall
695 ensure that the composition of the board reflects the diversity
696 of the aerospace industry community of this state and, to the
697 greatest degree possible, that the composition of the board
698 includes, but is not limited to, individuals representing the
699 industries of business, finance, marketing, space, aerospace,
700 aviation, defense, research and development, and education. The
701 Governor shall also consider whether the current members of the
702 board, together with potential appointees, reflect the racial,
703 ethnic, and gender diversity, as well as the geographic
704 distribution, of the population of the state.

705 (h) Two ex officio, nonvoting members, one of whom shall
706 be a member of the Senate, selected by the President of the
707 Senate, and one of whom shall be a member of the House of
708 Representatives, selected by the Speaker of the House of
709 Representatives.

710 (i) Six members from the private sector, three of whom
711 shall be appointed by the President of the Senate and three of
712 whom shall be appointed by the Speaker of the House of
713 Representatives.

714 (2) (a) Vacancies on the board shall be filled for the
715 unexpired term in the same manner as the original appointments
716 to the board.

HB 1489

2006
CS

717 (b) Each member of the board of directors shall serve for
718 a term of 4 years, except that the initial terms shall be
719 staggered.

720 1. The Governor shall appoint two members for a 1-year
721 term, two members for 2-year terms, and three members for 4-year
722 terms.

723 2. The President of the Senate and the Speaker of the
724 House of Representatives shall each appoint one member for a 1-
725 year term, one member for a 2-year term, and one member for a 4-
726 year term.

727 (c) Any member is eligible for reappointment.

728 (3) Appointed members may be removed by the Governor for
729 cause. Absence from three consecutive meetings without good
730 cause shall result in automatic removal.

731 (4) All private sector members are subject to confirmation
732 by the Senate at the next regular session of the Legislature.

733 (5) The Governor shall serve as chair of the board of
734 directors. The board of directors shall biennially elect one of
735 its private sector members as vice chair to serve in the absence
736 of the Governor and to perform such other duties as may be
737 designated. The president shall keep a record of the proceedings
738 of the board of directors and shall be the custodian of all
739 books, documents, and papers filed with the board of directors,
740 the minutes of the board of directors, and the official seal of
741 Space Florida.

742 (6) The board of directors shall meet at least four times
743 each year, upon the call of the chair, at the request of the
744 vice chair, or at the request of a majority of the membership. A

HB 1489

2006
CS

745 majority of the total number of current voting directors shall
746 constitute a quorum. The board of directors may take official
747 action by a majority vote of the members present at any meeting
748 at which a quorum is present.

749 (7) Members of the board of directors shall serve without
750 compensation, but members, the president, and staff may be
751 reimbursed for all reasonable, necessary, and actual expenses,
752 as determined by the board of directors of Space Florida
753 pursuant to s. 112.061.

754 (8) Each member of the board of directors of Space Florida
755 who is not otherwise required to file financial disclosure
756 pursuant to s. 8, Art. II of the State Constitution or s.
757 112.3144, shall file disclosure of financial interests pursuant
758 to s. 112.3145.

759 (9) Each member of the board of directors of Space Florida
760 must be a resident of this state. ~~There is created within the~~
761 ~~Florida Space Authority a board of supervisors consisting of~~
762 ~~eight regular members, who shall be appointed by the Governor,~~
763 ~~and two ex officio nonvoting members, one of whom shall be a~~
764 ~~state senator selected by the President of the Senate and one of~~
765 ~~whom shall be a state representative selected by the Speaker of~~
766 ~~the House of Representatives. The Lieutenant Governor, who is~~
767 ~~the state's space policy leader, shall serve as chair of the~~
768 ~~board of supervisors, and shall cast the deciding vote if the~~
769 ~~votes of the eight regular members result in a tie. The board~~
770 ~~shall elect a vice chair to preside in the absence of the~~
771 ~~Lieutenant Governor and to perform such other duties as may be~~
772 ~~designated. All regular members shall be subject to confirmation~~

HB 1489

2006
CS

773 | ~~by the Senate at the next regular session of the Legislature.~~
774 | ~~Existing board members are not prohibited from reappointment.~~
775 | ~~Each of the regular board members must be a resident of the~~
776 | ~~state and must have experience in the aerospace or commercial~~
777 | ~~space industry or in finance or have other significant relevant~~
778 | ~~experience. A private sector legal entity may not have more than~~
779 | ~~one person serving on the board at any one time. One regular~~
780 | ~~member shall represent organized labor interests, one regular~~
781 | ~~member shall represent minority interests, and four regular~~
782 | ~~members must represent space industry, at least one of whom must~~
783 | ~~also be from a small business, as defined in s. 288.703. For the~~
784 | ~~purpose of this section, "space industry" includes private~~
785 | ~~sector entities engaged in space flight business, as defined in~~
786 | ~~s. 212.031, research and technology development of space-based~~
787 | ~~products and services, space station commercialization,~~
788 | ~~development of spaceport and range technology, remote sensing~~
789 | ~~products and services, space biotechnology, measurement and~~
790 | ~~calibration of space assets, space related software and~~
791 | ~~information technology development, design and architecture of~~
792 | ~~space based assets and facilities for manufacturing and other~~
793 | ~~purposes, space related nanotechnology, space tourism, and other~~
794 | ~~commercial enterprises utilizing uniquely space-based~~
795 | ~~capabilities.~~

796 | ~~(2) Each regular member shall serve a term of 4 years or~~
797 | ~~until a successor is appointed and qualified. The term of each~~
798 | ~~such member shall be construed to commence on the date of~~
799 | ~~appointment and to terminate on June 30 of the year of the end~~

HB 1489

2006
CS

800 ~~of the term. Appointment to the board shall not preclude any~~
 801 ~~such member from holding any other private or public position.~~

802 ~~(3) The ex officio nonvoting legislative members shall~~
 803 ~~serve on the board for 2 year terms.~~

804 ~~(4) Any vacancy on the board shall be filled for the~~
 805 ~~balance of the unexpired term.~~

806 ~~(5) The board shall appoint an executive director.~~

807 ~~Meetings shall be held quarterly or more frequently at the call~~
 808 ~~of the chair. A majority of the regular members of the board~~
 809 ~~shall constitute a quorum, and a majority vote of such members~~
 810 ~~present is necessary for any action taken by the board.~~

811 ~~(6) The Governor has the authority to remove from the~~
 812 ~~board any regular member in the manner and for cause as defined~~
 813 ~~by the laws of this state and applicable to situations that may~~
 814 ~~arise before the board. Unless excused by the chair of the~~
 815 ~~board, a regular member's absence from two or more consecutive~~
 816 ~~board meetings creates a vacancy in the office to which the~~
 817 ~~member was appointed.~~

818 Section 9. Section 331.309, Florida Statutes, is amended
 819 to read:

820 331.309 Treasurer; depositories; fiscal agent.--

821 (1) The board shall designate an individual who is a
 822 resident of the state, or a qualified public depository as
 823 defined in s. 280.02, as treasurer of Space Florida ~~the~~
 824 ~~authority~~, who shall have charge of the funds of Space Florida
 825 ~~the authority~~. Such funds shall be disbursed only upon the order
 826 of or pursuant to the resolution of the board by warrant, check,
 827 authorization, or direct deposit pursuant to s. 215.85, signed

HB 1489

2006
CS

828 or authorized by the treasurer or his or her representative or
829 by such other persons as may be authorized by the board. The
830 board may give the treasurer such other or additional powers and
831 duties as the board may deem appropriate and shall establish the
832 treasurer's compensation. The board may require the treasurer to
833 give a bond in such amount, on such terms, and with such
834 sureties as may be deemed satisfactory to the board to secure
835 the performance by the treasurer of his or her powers and
836 duties. The board shall audit or have audited the books of the
837 treasurer at least once a year.

838 (2) The board is authorized to select as depositories in
839 which the funds of the board and of Space Florida ~~the authority~~
840 shall be deposited any qualified public depository as defined in
841 s. 280.02, upon such terms and conditions as to the payment of
842 interest by such depository upon the funds so deposited as the
843 board may deem just and reasonable. ~~Funds of the authority may~~
844 ~~also be deposited with the Florida Commercial Space Financing~~
845 ~~Corporation created by s. 331.407.~~ The funds of Space Florida
846 ~~the authority~~ may be kept in or removed from the State Treasury
847 upon written notification from the chair of the board to the
848 Chief Financial Officer.

849 (3) The board may employ a fiscal agent, who shall be
850 either a resident of the state or a corporation organized under
851 the laws of this or any other state and authorized by such laws
852 to act as such fiscal agent in the state.

853 Section 10. Section 331.310, Florida Statutes, is amended
854 to read:

HB 1489

2006
CS

855 331.310 Powers and duties of the board of directors
856 supervisors. ~~Except as otherwise provided in this act, all of~~
857 ~~the powers and duties of the authority shall be exercised by and~~
858 ~~through the board of supervisors, including the power and duty~~
859 ~~to:~~

860 (1) The board of directors may: ~~Adopt bylaws, rules,~~
861 ~~resolutions, and orders prescribing the powers, duties, and~~
862 ~~functions of the officers of the authority, the conduct of the~~
863 ~~business of the authority, the maintenance of records, and the~~
864 ~~form of all documents and records of the authority. The board~~
865 ~~may adopt administrative rules and regulations with respect to~~
866 ~~any of the projects of the authority, with notice and public~~
867 ~~hearing.~~

868 ~~(2) Maintain an executive office and authority offices in~~
869 ~~close proximity to Kennedy Space Center.~~

870 (a)(3) Enter, and authorize any agent or employee of Space
871 Florida ~~the authority~~ to enter, upon any lands, waters, and
872 premises, upon giving reasonable notice and due process to the
873 land owner, for the purposes of making surveys, soundings,
874 drillings, appraisals, and examinations necessary to perform its
875 duties and functions. Any such entry shall not be deemed a
876 trespass or an entry that would constitute a taking in an
877 eminent domain proceeding. Space Florida ~~The authority~~ shall
878 make reimbursement for any actual damages to such lands, waters,
879 and premises as a result of such activity.

880 (b)(4) Execute all contracts and other documents, adopt
881 all proceedings, and perform all acts determined by the board to
882 be necessary or desirable to carry out the purposes of this act.

HB 1489

2006
CS

883 The board may authorize one or more members of the board to
884 execute contracts and other documents on behalf of the board or
885 Space Florida ~~the authority~~.

886 ~~(c)(5)~~ Establish and create such departments, committees,
887 or other entities ~~agencies~~ as from time to time the board may
888 deem necessary or desirable in the performance of any acts or
889 other things necessary to the exercise of the powers provided in
890 this act, and delegate to such departments, boards, or other
891 agencies such administrative duties and other powers as the
892 board may deem necessary or desirable.

893 ~~(6)~~ ~~Appoint a person to act as executive director of the~~
894 ~~authority, having such official title, functions, duties,~~
895 ~~powers, and salary as the board may prescribe.~~

896 ~~(d)(7)~~ Examine, and authorize any officer or agent of
897 Space Florida ~~the authority~~ to examine, the county tax rolls
898 with respect to the assessed valuation of the real and personal
899 property within any spaceport territory.

900 ~~(e)(8)~~ Engage in the planning and implementation of space-
901 related economic and educational development within the state.

902 (f) Provide the strategic direction for the aerospace-
903 related research priorities of the state and its aerospace-
904 related businesses, the scope of research projects for Space
905 Florida, and the timeframe for completion of the projects.

906 ~~(g)(9)~~ Execute intergovernmental agreements and
907 development agreements consistent with prevailing statutory
908 provisions, including, but not limited to, special benefits or
909 tax increment financing initiatives.

HB 1489

2006
CS

910 (h) Finance aerospace business development projects or
911 initiatives using the funds collected pursuant to s.
912 212.20(6)(d).

913 (i) ~~(10)~~ Establish reserve funds for future board
914 operations.

915 (j) ~~(11)~~ Adopt rules pursuant to chapter 120 to carry out
916 the purposes of this act.

917 (2) The board of directors shall:

918 (a) Adopt bylaws, rules, resolutions, and orders
919 prescribing the powers, duties, and functions of Space Florida
920 to conduct the business of Space Florida, the maintenance of
921 records, and the form of all documents and records of Space
922 Florida. The board may adopt rules with respect to any of the
923 projects of Space Florida with notice and a public hearing.

924 (b) Maintain an executive office and Space Florida offices
925 in close proximity to the John F. Kennedy Space Center.

926 (c) Appoint a person to act as the president of Space
927 Florida, having such official title, functions, duties, powers,
928 and salary as the board may prescribe.

929 (d) ~~(12)~~ Abide by all applicable federal labor laws in the
930 construction and day-to-day operations of Space Florida ~~the~~
931 ~~authority~~ and any spaceport. Further, the board shall establish,
932 by rule and regulation, pursuant to chapter 120, policies and
933 procedures for the construction and operation of Space Florida
934 ~~the authority~~ and any spaceport. The said policies and
935 procedures shall be such that when Space Florida ~~the authority~~
936 expends federal funds for construction or operation of any
937 spaceport project, Space Florida ~~the authority~~ will be subject

HB 1489

2006
CS

938 | to the federal labor laws observed at the Kennedy Space Center
939 | and Cape Canaveral Air Force Station, Florida, applicable as a
940 | result of such federal expenditures.

941 | ~~(e)-(13)~~ Prepare an annual report of operations. The said
942 | report shall include, but not be limited to, a balance sheet, an
943 | income statement, a statement of changes in financial position,
944 | a reconciliation of changes in equity accounts, a summary of
945 | significant accounting principles, the auditor's report, a
946 | summary of the status of existing and proposed bonding projects,
947 | comments from management about the year's business, and
948 | prospects for the next year, which shall be submitted each year
949 | by December 31 ~~November 30~~ to the Governor, the President of the
950 | Senate, the Speaker of the House of Representatives, the
951 | minority leader of the Senate, and the minority leader of the
952 | House of Representatives.

953 | (f) Establish a personnel management system for hiring
954 | employees and establishing employee's benefit packages.
955 | Personnel of Space Florida are not state employees.

956 | ~~(14) Change the name of the authority.~~

957 | Section 11. Section 331.3101, Florida Statutes, is amended
958 | to read:

959 | 331.3101 Space Florida ~~Space Authority~~; travel and
960 | entertainment expenses.--

961 | (1) Notwithstanding the provisions of s. 112.061, Space
962 | Florida ~~the authority~~ shall adopt rules by which it may make
963 | expenditures by advancement or reimbursement, or a combination
964 | thereof, to Space Florida ~~authority~~ officers and employees;
965 | reimburse business clients, guests, and authorized persons as

HB 1489

2006
CS

966 defined in s. 112.061(2)(e); and make direct payments to third-
967 party vendors:

968 (a) For travel expenses of such business clients, guests,
969 and authorized persons incurred by Space Florida ~~the authority~~
970 in connection with the performance of its statutory duties, and
971 for travel expenses incurred by state officials and state
972 employees while accompanying such business clients, guests, or
973 authorized persons or when authorized by the board or its
974 designee.

975 (b) For entertainment expenses of such guests, business
976 clients, and authorized persons incurred by Space Florida ~~the~~
977 ~~authority~~ in connection with the performance of its statutory
978 duties, and for entertainment expenses incurred for Space
979 Florida ~~authority~~ officials and employees when such expenses are
980 incurred while in the physical presence of such business
981 clients, guests, or authorized persons.

982 (2) The rules shall be subject to approval by the Chief
983 Financial Officer before adoption ~~prior to promulgation~~. The
984 rules shall require the submission of paid receipts, or other
985 proof prescribed by the Chief Financial Officer, with any claim
986 for reimbursement, and shall require, as a condition for any
987 advancement, an agreement to submit paid receipts or other proof
988 and to refund any unused portion of the advancement within 15
989 days after the expense is incurred or, if the advancement is
990 made in connection with travel, within 15 days after completion
991 of the travel. However, with respect to an advancement made
992 solely for travel expenses, the rules may allow paid receipts or
993 other proof to be submitted, and any unused portion of the

HB 1489

2006
CS

994 advancement to be refunded, within 30 days after completion of
995 the travel.

996 (3) An annual report shall be made to the Legislature not
997 later than September 1 ~~November 30~~ of each year for the previous
998 fiscal year, which shall consist of a synopsis concisely
999 summarizing all travel, entertainment, and incidental expenses
1000 incurred within the United States and, separately, all travel,
1001 entertainment, and incidental expenses incurred outside the
1002 United States.

1003 (4) A ~~No~~ claim submitted under this section is not ~~shall~~
1004 ~~be~~ required to be sworn to before a notary public or other
1005 officer authorized to administer oaths, but any claim authorized
1006 or required to be made under any provision of this section must
1007 ~~shall~~ contain a statement that the expenses were actually
1008 incurred as necessary travel or entertainment expenses in the
1009 performance of official duties of Space Florida ~~the authority~~
1010 and shall be verified by written declaration that it is true and
1011 correct as to every material matter. Any person who willfully
1012 makes and subscribes to any such claim which the person does not
1013 believe to be true and correct as to every material matter or
1014 who willfully aids or assists in, or procures, counsels, or
1015 advises, the preparation or presentation of a claim pursuant to
1016 this section, which claim is fraudulent or false as to any
1017 material matter, whether or not such falsity or fraud is with
1018 the knowledge or consent of the person authorized or required to
1019 present such claim, commits a misdemeanor of the second degree,
1020 punishable as provided in s. 775.082 or s. 775.083. Whoever
1021 receives an advancement or reimbursement by means of a false

HB 1489

2006
CS

1022 claim is civilly liable, in the amount of the overpayment, for
1023 the reimbursement of the public fund from which the claim was
1024 paid.

1025 Section 12. Section 331.311, Florida Statutes, is amended
1026 to read:

1027 331.311 Exercise by Space Florida ~~authority~~ of its powers
1028 within municipalities and other political subdivisions.--Space
1029 Florida may ~~The authority shall have the power to~~ exercise any
1030 of its rights, powers, privileges, and authority in any and all
1031 portions of any spaceport territory lying within the boundaries
1032 of any municipal corporation or other political subdivision,
1033 heretofore or hereafter created or organized, whose boundaries
1034 lie wholly or partly within the geographical limits of the
1035 spaceport territory, to the same extent and in the same manner
1036 as in areas of the spaceport territory not incorporated as part
1037 of a municipality or other political subdivision. With respect
1038 to any municipal corporation or other political subdivision
1039 whose boundaries lie partly within and partly without the
1040 geographical limits of the spaceport territory, Space Florida
1041 may ~~the authority shall have the power to~~ exercise its rights,
1042 powers, privileges, and authority only within the portion of the
1043 ~~such~~ municipal corporation or other political subdivision lying
1044 within the boundaries of the spaceport territory.

1045 Section 13. Section 331.312, Florida Statutes, is amended
1046 to read:

1047 331.312 Furnishing facilities and services within the
1048 spaceport territory.--Space Florida may ~~The authority shall have~~
1049 ~~the power to~~ construct, develop, create, maintain, and operate

HB 1489

2006
CS

1050 its projects within the geographical limits of the spaceport
 1051 territory, including any portions of the spaceport territory
 1052 located inside the boundaries of any incorporated municipality
 1053 or other political subdivision, and to offer, supply, and
 1054 furnish the facilities and services provided for in this act to,
 1055 and to establish and collect fees, rentals, and other charges
 1056 from, persons, public or private, within the geographical limits
 1057 of the spaceport territory and for the use of Space Florida ~~the~~
 1058 ~~authority~~ itself.

1059 Section 14. Section 331.313, Florida Statutes, is amended
 1060 to read:

1061 331.313 Power of Space Florida ~~the authority~~ with respect
 1062 to roads.--Within the territorial limits of any spaceport
 1063 territory, Space Florida may ~~the authority has the right to~~
 1064 acquire, through purchase or interagency agreement, or as
 1065 otherwise provided in law, and to construct, control, and
 1066 maintain, roads deemed necessary by Space Florida ~~the authority~~
 1067 and connections thereto and extensions thereof now or hereafter
 1068 acquired, constructed, or maintained in accordance with
 1069 established highway safety standards; provided that, in the
 1070 event a road being addressed by Space Florida ~~the authority~~ is
 1071 owned by another agency or jurisdiction, Space Florida ~~the~~
 1072 ~~authority~~, before ~~prior to~~ proceeding with the proposed project
 1073 or work activity, shall have either coordinated the desired work
 1074 with the owning agency or jurisdiction or shall have
 1075 successfully executed an interagency agreement with the owning
 1076 agency or jurisdiction.

HB 1489

2006
CS

1077 Section 15. Section 331.315, Florida Statutes, is amended
1078 to read:

1079 331.315 Maintenance of projects across rights-of-
1080 way.--Space Florida may ~~The authority shall have the right to~~
1081 construct and operate its projects in, along, or under any
1082 streets, alleys, highways, or other public places or ways, and
1083 across any drain, ditch, canal, floodway, holding basin,
1084 excavation, railroad right-of-way, track, grade, fill, or cut;
1085 ~~provided,~~ however, Space Florida shall pay that just
1086 compensation, including fees, ~~shall be paid by the authority~~ for
1087 any damages arising from ~~or private property taken by~~ the
1088 exercise of such power.

1089 Section 16. Section 331.316, Florida Statutes, is amended
1090 to read:

1091 331.316 Rates, fees, rentals, tolls, fares, and charges;
1092 procedure for adoption and modification; minimum revenue
1093 requirements.--

1094 (1) To recover the costs of the spaceport facility or
1095 system, Space Florida may ~~the authority shall have the power to~~
1096 prescribe, fix, establish, and collect rates, fees, rentals,
1097 tolls, fares, or other charges (hereinafter referred to as
1098 "revenues"), and to revise the same from time to time, for the
1099 facilities and services furnished or to be furnished by Space
1100 Florida ~~the authority~~ and the spaceport, including, but not
1101 limited to, launch pads, ranges, payload assembly and processing
1102 facilities, visitor and tourist facilities, transportation
1103 facilities, and parking and other related facilities, and may
1104 ~~shall have the power to~~ provide for reasonable penalties against

HB 1489

2006
CS

1105 any user or property for any such rates, fees, rentals, tolls,
1106 fares, or other charges that are delinquent.

1107 (2) The board may ~~shall have the power to~~ enter into
1108 contracts for the use of the projects of Space Florida ~~the~~
1109 ~~authority~~ and for the services and facilities furnished or to be
1110 furnished by Space Florida ~~the authority~~, including, but not
1111 limited to, launch services, payload assembly and processing,
1112 and other aerospace-related ~~space-related~~ services, for such
1113 consideration and on such other terms and conditions as the
1114 board may approve. Such contracts, and revenues or service
1115 charges received or to be received by Space Florida ~~the~~
1116 ~~authority~~ thereunder, may be pledged as security for any of the
1117 bonds of Space Florida ~~the authority~~.

1118 Section 17. Section 331.317, Florida Statutes, is amended
1119 to read:

1120 331.317 Recovery of delinquent charges.--In the event that
1121 any of the rates, fees, rentals, tolls, fares, other charges, or
1122 delinquent penalties shall not be paid as and when due and shall
1123 be in default for 30 days or more, the unpaid balance thereof
1124 and all interest accrued thereon, together with attorney's fees
1125 and costs, may be recovered by Space Florida ~~the authority~~ in a
1126 civil action.

1127 Section 18. Section 331.318, Florida Statutes, is amended
1128 to read:

1129 331.318 Discontinuance of service.--In the event that the
1130 rates, fees, rentals, tolls, fares, or other charges for the
1131 services and facilities of any project are not paid when due,
1132 the board may ~~shall have the power to~~ discontinue and shut off

HB 1489

2006
CS

1133 | the same until such rates, fees, rentals, tolls, fares, or other
 1134 | charges, including interest, penalties, and charges for the
 1135 | shutting off and discontinuance and the restoration of such
 1136 | services and facilities, are fully paid. Such delinquent rates,
 1137 | fees, rentals, tolls, fares, or other charges, together with
 1138 | interest, penalties, and charges for the shutting off and
 1139 | discontinuance and the restoration of such services and
 1140 | facilities, and reasonable attorney's fees and other expenses,
 1141 | may be recovered by Space Florida ~~the authority~~ by suit in any
 1142 | court of competent jurisdiction. Space Florida ~~The authority~~ may
 1143 | also enforce payment of such delinquent rates, fees, rentals,
 1144 | tolls, fares, or other charges by any other lawful method of
 1145 | enforcement.

1146 | Section 19. Section 331.319, Florida Statutes, is amended
 1147 | to read:

1148 | 331.319 Comprehensive planning; building and safety
 1149 | codes.--The board of directors may ~~supervisors shall have the~~
 1150 | ~~power to:~~

1151 | (1) Adopt, and from time to time review, amend,
 1152 | supplement, or repeal, a comprehensive general plan for the
 1153 | physical development of the area within the spaceport territory
 1154 | in accordance with the objectives and purposes of this act and
 1155 | consistent with the comprehensive plans of the applicable county
 1156 | or counties and municipality or municipalities adopted pursuant
 1157 | to the Local Government Comprehensive Planning and Land
 1158 | Development Regulation Act, part II of chapter 163.

1159 | (2) Prohibit within the spaceport territory the
 1160 | construction, alteration, repair, removal, or demolition, or the

HB 1489

2006
CS

1161 commencement of the construction, alteration, repair (except
1162 emergency repairs), removal, or demolition, of any building or
1163 structure, including, but not by way of limitation, public
1164 utility poles, lines, pipes, and facilities, without first
1165 obtaining a permit from the board or such other officer or
1166 agency as the board may designate, and to prescribe the
1167 procedure with respect to the obtaining of such permit.

1168 Section 20. Section 331.320, Florida Statutes, is amended
1169 to read:

1170 331.320 Additional powers of board.--The board of
1171 directors may ~~shall have the power~~ within any spaceport
1172 territory ~~to~~:

1173 (1) Adopt regulations to prohibit or control the pollution
1174 of air and water, and require certain location and placement of
1175 electrical power, telephone, and other utility lines, cables,
1176 pipes, and ducts.

1177 (2) Divide the spaceport territory into zones or districts
1178 of such number, shape, and area as the board may deem best
1179 suited to carry out the purposes of this act, and within and for
1180 each such district make regulations and restrictions as provided
1181 for in subsection (1).

1182 Section 21. Section 331.321, Florida Statutes, is amended
1183 to read:

1184 331.321 Federal and other funds and aid.--Space Florida
1185 may ~~The authority is authorized to~~ accept, receive, and receipt
1186 for federal moneys, property, and other moneys or properties,
1187 either public or private, for the acquisition, planning,
1188 operation, construction, enlargement, improvement, maintenance,

HB 1489

2006
CS

1189 equipment, or development of programs, facilities, and sites
 1190 therefor, and ~~to~~ comply with the provisions of the laws of the
 1191 United States and any rules and regulations made thereunder for
 1192 the expenditure of federal moneys.

1193 Section 22. Section 331.322, Florida Statutes, is amended
 1194 to read:

1195 331.322 Agreements with municipalities within any
 1196 spaceport territory.--The board of directors and the governing
 1197 body or bodies of any one or more municipalities located wholly
 1198 or partly within any spaceport territory, whether now in
 1199 existence or hereafter created, may ~~are authorized to~~ enter into
 1200 and carry into effect contracts and agreements relating to the
 1201 common powers, duties, and functions of the board and other
 1202 officers, agents, and employees of Space Florida ~~the authority~~,
 1203 and the respective governing body or bodies of one or more such
 1204 municipalities, and their respective officers, agents, and
 1205 employees, to the end that there may be effective cooperation
 1206 between and coordination of the efforts of such municipality or
 1207 municipalities and Space Florida ~~the authority~~ in discharging
 1208 their common functions, powers, and duties and in rendering
 1209 services to the respective residents and property owners of such
 1210 municipality or municipalities and Space Florida ~~the authority~~.
 1211 The board and the governing body or bodies of one or more such
 1212 municipalities are further authorized to enter into and carry
 1213 into effect contracts and agreements for the performance of any
 1214 of their common functions, powers, and duties by a central
 1215 agency or common agent of the contracting parties.

HB 1489

2006
CS

1216 Section 23. Section 331.323, Florida Statutes, is amended
1217 to read:

1218 331.323 Cooperative agreements with the state, counties,
1219 and municipalities.--

1220 (1) The state and the counties, municipalities, and other
1221 political subdivisions, public bodies, and agencies thereof, or
1222 any of them, whether now existing or hereafter created, are
1223 authorized to aid and cooperate with Space Florida ~~the authority~~
1224 in carrying out any of the purposes and projects of Space
1225 Florida ~~the authority~~, to enter into cooperative agreements with
1226 Space Florida ~~the authority~~, to provide in any such cooperative
1227 agreement for the making of loans, gifts, grants, or
1228 contributions to Space Florida ~~the authority~~ and the granting
1229 and conveyance to Space Florida ~~the authority~~ of real or
1230 personal property of any kind or nature, or any interest
1231 therein, for the carrying out of the purpose and projects of
1232 Space Florida ~~the authority~~; to covenant in any such cooperative
1233 agreement to pay all or any part of the costs of acquisition,
1234 planning, development, construction, reconstruction, extension,
1235 improvement, operation, and maintenance of any projects of Space
1236 Florida ~~the authority~~; and to pay all or any part of the
1237 principal and interest on any bonds of Space Florida ~~the~~
1238 ~~authority~~.

1239 (2) The state and the counties, municipalities, and other
1240 political subdivisions, public bodies, and agencies thereof, or
1241 any of them, whether now existing or hereafter created, and
1242 Space Florida ~~the authority created by this act~~, are further
1243 authorized to enter into cooperative agreements to provide for

HB 1489

2006
CS

1244 the furnishing by Space Florida ~~the authority~~ to the state or
 1245 any county, municipality, or other political subdivision, public
 1246 body, or agency thereof of any of the facilities and services of
 1247 Space Florida ~~the authority~~, or by the state or any county,
 1248 municipality, or other political subdivision, public body, or
 1249 agency thereof to Space Florida ~~the authority~~ and to persons
 1250 within the spaceport territory of facilities and services of the
 1251 type that Space Florida ~~the authority~~ is authorized to furnish
 1252 or undertake, or such other facilities and services as may be
 1253 determined necessary or desirable by the board for the carrying
 1254 out of the purposes of this act. Without limitation of the
 1255 foregoing, such cooperative agreements may provide for the
 1256 furnishing by any county, municipality, or other political
 1257 subdivision of fire and police protection for Space Florida ~~the~~
 1258 ~~authority~~ and persons and property within Space Florida ~~the~~
 1259 ~~authority~~, and for the providing to Space Florida ~~the authority~~
 1260 of any services deemed necessary or desirable by the board for
 1261 the proper functioning of Space Florida ~~the authority~~.

1262 (3) Without limitation of the foregoing, the board may
 1263 undertake and finance any of the projects of Space Florida ~~the~~
 1264 ~~authority~~, in whole or in part, jointly with any municipality or
 1265 municipalities, now existing or hereafter created, or in any
 1266 other manner combine the projects of Space Florida ~~the authority~~
 1267 with the projects of such municipality or municipalities.

1268 (4) Any agreement of the type authorized by this section
 1269 may be made and entered into under ~~pursuant to~~ this act for such
 1270 time or times, not exceeding 40 years.

HB 1489

2006
CS

1271 Section 24. Section 331.324, Florida Statutes, is amended
1272 to read:

1273 331.324 Contracts, grants, and contributions.--Space
1274 Florida may ~~The authority shall have the power to~~ make and enter
1275 all contracts and agreements necessary or incidental to the
1276 performance of the functions of Space Florida ~~the authority~~ and
1277 the execution of its powers, and to contract with, and to accept
1278 and receive grants or loans of money, material, or property
1279 from, any person, private or public, as the board shall
1280 determine to be necessary or desirable to carry out the purposes
1281 of this act, and in connection with any such contract, grant, or
1282 loan to stipulate and agree to such covenants, terms, and
1283 conditions as the board shall deem appropriate.

1284 Section 25. Section 331.325, Florida Statutes, is amended
1285 to read:

1286 331.325 Environmental permits.--Space Florida ~~The~~
1287 ~~authority~~ shall obtain required environmental permits in
1288 accordance with federal and state law and shall comply with the
1289 provisions of chapter 380.

1290 Section 26. Section 331.326, Florida Statutes, is amended
1291 to read:

1292 331.326 Information relating to trade secrets
1293 confidential.--The records of Space Florida ~~the authority~~
1294 regarding matters encompassed by this act are public records
1295 subject to the provisions of chapter 119. Any information held
1296 by Space Florida ~~the authority~~ which is a trade secret, as
1297 defined in s. 812.081, including trade secrets of Space Florida
1298 ~~the authority~~, any spaceport user, or the space industry

HB 1489

2006
CS

1299 business, is confidential and exempt from the provisions of s.
 1300 119.07(1) and s. 24(a), Art. I of the State Constitution and may
 1301 not be disclosed. If Space Florida ~~the authority~~ determines that
 1302 any information requested by the public will reveal a trade
 1303 secret, it shall, in writing, inform the person making the
 1304 request of that determination. The determination is a final
 1305 order as defined in s. 120.52. Any meeting or portion of a
 1306 meeting of Space Florida's ~~the authority's~~ board ~~of supervisors~~
 1307 is exempt from the provisions of s. 286.011 and s. 24(b), Art. I
 1308 of the State Constitution when the board is discussing trade
 1309 secrets. Any public record generated during the closed portions
 1310 of the ~~such~~ meetings, such as minutes, tape recordings, and
 1311 notes, is confidential and exempt from the provisions of s.
 1312 119.07(1) and s. 24(a), Art. I of the State Constitution.

1313 Section 27. Section 331.327, Florida Statutes, is amended
 1314 to read:

1315 331.327 Foreign trade zone.--Space Florida ~~may~~ ~~The~~
 1316 ~~authority shall have the power to~~ apply to the Federal
 1317 Government for a grant allowing the designation of any spaceport
 1318 territory as a foreign trade zone pursuant to ss. 288.36 and
 1319 288.37. However, the designation of any spaceport territory as a
 1320 foreign trade zone does ~~shall~~ ~~not be deemed to~~ authorize an
 1321 exemption from any tax imposed by the state or by any political
 1322 subdivision, agency, or instrumentality thereof.

1323 Section 28. Section 331.328, Florida Statutes, is amended
 1324 to read:

1325 331.328 Sovereign immunity.--Space Florida ~~The authority~~
 1326 shall be granted sovereign immunity in the same manner as the

HB 1489

2006
CS

1327 state under the laws and Constitution of the State of Florida.
 1328 The state, by this section, hereby waives the sovereign immunity
 1329 granted to the same extent as waived by the state under state
 1330 law.

1331 Section 29. Section 331.329, Florida Statutes, is amended
 1332 to read:

1333 331.329 Changing boundary lines; annexation and exclusion
 1334 of lands; creation of municipalities within the geographical
 1335 limits of any spaceport territory; limitations on the furnishing
 1336 of services within annexed areas.--

1337 (1) The board of directors may at any time strike out or
 1338 correct the description of any land within or claimed to be
 1339 within the boundary lines of any spaceport territory upon the
 1340 written consent of the owners of all the land that would be
 1341 included or excluded from the boundary lines of any spaceport
 1342 territory or otherwise affected by the taking of such action,
 1343 and of the owners of not less than the majority in acreage of
 1344 all lands within any spaceport territory.

1345 (a) The board may enlarge the geographical limits of any
 1346 spaceport territory to include any lands not then within any
 1347 spaceport territory:

1348 1. Upon the written consent of the owners of all the land
 1349 to be included in any spaceport territory and of the owners of
 1350 not less than a majority in acreage of all the land then within
 1351 any spaceport territory; or

1352 2. By resolution of the board approved at a special
 1353 election called for such purpose, by vote of a majority of

HB 1489

2006
CS

1354 freeholders residing within the area to be annexed and a
1355 majority of freeholders residing within any spaceport territory.

1356 (b) The board of directors may contract the geographical
1357 limits of any spaceport territory so as to exclude from any
1358 spaceport territory any land then within any spaceport
1359 territory:

1360 1. Upon the written consent of the owners of all the land
1361 to be so excluded and of the owners of not less than a majority
1362 in acreage of all the land then within any spaceport territory;
1363 or

1364 2. By resolution of the board approved at a special
1365 election called for such purpose, by vote of a majority of
1366 freeholders residing within the area to be excluded and a
1367 majority of the freeholders residing within any spaceport
1368 territory.

1369 (2) Land, including property situated thereon, added to
1370 any spaceport territory in the manner provided in subsection (1)
1371 shall from the time of its inclusion within such spaceport
1372 territory be subject to all assessments thereafter levied and
1373 assessed on all other land or property of any spaceport
1374 territory similarly situated. Land, including property situated
1375 thereon, excluded from any spaceport territory in the manner
1376 provided in subsection (1) shall from the date of such exclusion
1377 be exempt from assessments thereafter imposed by Space Florida
1378 ~~the authority~~ but shall not be exempt from assessments
1379 theretofore levied or due with respect to such land or property,
1380 or from subsequent installments of assessments theretofore
1381 levied or assessed with respect thereto, and such assessments

HB 1489

2006
CS

1382 | may be enforced and collected by or on behalf of Space Florida
 1383 | ~~the authority~~ in the same manner as if such land or property
 1384 | continued to be within the geographical limits of any spaceport
 1385 | territory.

1386 | (3) In the event that the geographical limits of any
 1387 | spaceport territory as set forth in s. 331.304 are revised so as
 1388 | to include within any spaceport territory any areas not
 1389 | presently contained within any spaceport territory, Space
 1390 | Florida ~~may the authority shall~~ not engage in the business of
 1391 | furnishing electric power for sale in such annexed area, unless
 1392 | Space Florida ~~the authority~~ shall offer to purchase from any
 1393 | person who is at the time engaged in the business of making,
 1394 | generating, or distributing electricity for sale within such
 1395 | annexed area, such portion of its electric plant and property
 1396 | suitable and used for such business in connection therewith as
 1397 | lies within the limits of such annexed area, in a manner
 1398 | consistent with law.

1399 | (4) Space Florida ~~The authority~~ shall designate new launch
 1400 | pads outside the present designated spaceport territories by
 1401 | statutory amendment of s. 331.304.

1402 | Section 30. Section 331.331, Florida Statutes, is amended
 1403 | to read:

1404 | 331.331 Revenue bonds.--

1405 | (1) Revenue bonds issued by Space Florida ~~the authority~~
 1406 | shall not be deemed revenue bonds issued by the state or its
 1407 | agencies for purposes of s. 11, Art. VII of the State
 1408 | Constitution and ss. 215.57-215.83. Space Florida ~~The authority~~
 1409 | shall include in its annual report to the Governor and

HB 1489

2006
CS

1410 Legislature, as provided in s. 331.310, a summary of the status
1411 of existing and proposed bonding projects.

1412 (2) The issuance of revenue bonds may be secured by or
1413 payable from the gross or net pledge of the revenues to be
1414 derived from any project or combination of projects, from the
1415 rates, fees, rentals, tolls, fares, or other charges to be
1416 collected from the users of any project or projects; from any
1417 revenue-producing undertaking or activity of Space Florida ~~the~~
1418 ~~authority~~; or from any source of pledged security. Such bonds
1419 shall not constitute an indebtedness of Space Florida ~~the~~
1420 ~~authority~~ unless such bonds are additionally secured by the full
1421 faith and credit of Space Florida ~~the authority~~. Bonds issued by
1422 Space Florida ~~the authority~~ are not secured by the full faith
1423 and credit of the State of Florida and do not constitute an
1424 obligation, either general or special, thereof.

1425 (3) Any two or more projects may be combined and
1426 consolidated into a single project, and may thereafter be
1427 operated and maintained as a single project. The revenue bonds
1428 authorized herein may be issued to finance any one or more such
1429 projects separately, or to finance two or more such projects,
1430 regardless whether or not such projects have been combined and
1431 consolidated into a single project. If the board deems it
1432 advisable, the proceedings authorizing such revenue bonds may
1433 provide that Space Florida ~~the authority~~ may thereafter combine
1434 the projects then being financed or theretofore financed with
1435 other projects to be subsequently financed by Space Florida ~~the~~
1436 ~~authority~~ shall be on a parity with the revenue bonds then being
1437 issued, all on such terms, conditions, and limitations as shall

HB 1489

2006
CS

1438 | be provided, and may further provide that the revenues to be
 1439 | derived from the subsequent projects shall at the time of the
 1440 | issuance of such parity revenue bonds be also pledged to the
 1441 | holders of any revenue bonds theretofore issued to finance the
 1442 | revenue undertakings which are later combined with such
 1443 | subsequent projects. Space Florida ~~The authority~~ may pledge for
 1444 | the security of the revenue bonds a fixed amount, without regard
 1445 | to any fixed proportion of the gross revenues of any project.

1446 | Section 31. Section 331.333, Florida Statutes, is amended
 1447 | to read:

1448 | 331.333 Refunding bonds.--Space Florida ~~The authority~~
 1449 | through its board may ~~shall have the power to~~ issue bonds to
 1450 | provide for the retirement or refunding of any bonds or
 1451 | obligations of Space Florida ~~the authority~~ that at the time of
 1452 | such issuance are or subsequently thereto become due and
 1453 | payable, or that at the time of issuance have been called or are
 1454 | or will be subject to call for redemption within 10 years
 1455 | thereafter, or the surrender of which can be procured from the
 1456 | holders thereof at prices satisfactory to the board. Refunding
 1457 | bonds may be issued at any time when in the judgment of the
 1458 | board such issuance will be advantageous to Space Florida ~~the~~
 1459 | ~~authority~~. The provisions of this act pertaining to bonds of
 1460 | Space Florida ~~the authority~~ shall, unless the context otherwise
 1461 | requires, govern the issuance of refunding bonds, the form and
 1462 | other details thereof, the rights of the holders thereof, and
 1463 | the duties of the board with respect to the same.

1464 | Section 32. Section 331.334, Florida Statutes, is amended
 1465 | to read:

HB 1489

2006
CS

1466 331.334 Pledging assessments and other revenues and
 1467 properties as additional security on bonds.--Space Florida ~~The~~
 1468 ~~authority~~ may pledge as additional security for the payment of
 1469 any of the bonds of Space Florida ~~the authority~~ its full faith
 1470 and credit, and provide that such bonds shall be payable as to
 1471 both principal and interest, and as to any reserve or other
 1472 funds provided therefor, to the full extent that any revenues as
 1473 defined in this act, assessments, or other funds, or any
 1474 combination thereof, pledged therefor are insufficient for the
 1475 full payment of the same, and provided further that no bonds
 1476 shall be issued to the payment of which the full faith and
 1477 credit of Space Florida ~~the authority~~ is pledged unless approved
 1478 at an election in the manner provided by law. Space Florida ~~The~~
 1479 ~~authority~~ by resolution of the board may also pledge as
 1480 additional security for said bonds the revenues from any project
 1481 of Space Florida ~~the authority~~, utility service, assessments,
 1482 and any other sources of revenue or funds, or any combination of
 1483 the foregoing, and may pledge or mortgage any of the properties,
 1484 rights, interest, or other assets of Space Florida ~~the~~
 1485 ~~authority~~. Bonds issued by Space Florida ~~the authority~~ are not
 1486 secured by the full faith and credit of the State of Florida and
 1487 do not constitute an obligation, either general or special,
 1488 thereof. The board may also provide with respect to any bonds of
 1489 Space Florida ~~the authority~~ that such bonds shall be payable, in
 1490 whole or in part, as to principal amount or interest, or both,
 1491 out of rates, fees, rentals, tolls, fares, or other charges
 1492 collected with respect to any of the projects of Space Florida
 1493 ~~the authority~~.

HB 1489

2006
CS

1494 Section 33. Section 331.335, Florida Statutes, is amended
1495 to read:

1496 331.335 Lien of pledges.--All pledges of revenues and
1497 assessments made pursuant to the provisions of this act shall be
1498 valid and binding from the time when such pledges are made. All
1499 such revenues and assessments so pledged and thereafter
1500 collected shall immediately be subject to the lien of such
1501 pledges without any physical delivery thereof or further action,
1502 and the lien of such pledges shall be valid and binding as
1503 against all parties having claims of any kind in tort, contract,
1504 or otherwise against Space Florida ~~the authority~~, irrespective
1505 of whether such parties have notice thereof.

1506 Section 34. Section 331.336, Florida Statutes, is amended
1507 to read:

1508 331.336 Issuance of bond anticipation notes.--In addition
1509 to the other powers provided for in this act and not in
1510 limitation thereof, Space Florida ~~may the authority shall have~~
1511 ~~the power~~, at any time from time to time after the issuance of
1512 any bonds of Space Florida ~~the authority shall~~ have been
1513 authorized, ~~to~~ borrow money for the purposes for which such
1514 bonds are to be issued in anticipation of the receipt of the
1515 proceeds of the sale of such bonds and ~~to~~ issue bond
1516 anticipation notes in a principal amount not in excess of the
1517 authorized maximum amount of such bond issue. Such notes shall
1518 be in such denomination or denominations, bear interest at such
1519 rate or rates, mature at such time or times, be renewable for
1520 such additional term or terms, and be in such form and executed
1521 in such manner as the board shall prescribe. Such notes may be

HB 1489

2006
CS

1522 sold at public sale, or if such notes shall be renewable notes,
 1523 may be exchanged for notes then outstanding on such terms as the
 1524 board shall determine. Such notes shall be paid from the
 1525 proceeds of such bonds when issued. The board may in its
 1526 discretion, in lieu of retiring the notes by means of bonds,
 1527 retire them by means of current revenues or from any assessments
 1528 levied for the payment of such bonds, but in such event a like
 1529 amount of the bonds authorized shall not be issued.

1530 Section 35. Section 331.337, Florida Statutes, is amended
 1531 to read:

1532 331.337 Short-term borrowing.--Space Florida ~~The authority~~
 1533 at any time may obtain loans, in such amount and on such terms
 1534 and conditions as the board may approve, for the purpose of
 1535 paying any of the expenses of Space Florida ~~the authority~~ or any
 1536 costs incurred or that may be incurred in connection with any of
 1537 the projects of Space Florida ~~the authority~~, which loans shall
 1538 have such term or terms, be renewable for such term or terms,
 1539 bear interest at such rate or rates, and be payable from and
 1540 secured by a pledge of such funds, revenues, and assessments as
 1541 the board may determine. For the purpose of defraying such costs
 1542 and expenses, Space Florida ~~the authority~~ may issue negotiable
 1543 notes, warrants, or other evidences of debt signed on behalf of
 1544 Space Florida ~~the authority~~ by any one of the board, such notes
 1545 or other evidences of indebtedness to be payable at such time or
 1546 times, to bear interest at such rate or rates, and to be sold or
 1547 discounted at such price or prices and on such term or terms as
 1548 the board may deem advisable. The board may ~~shall have the right~~
 1549 ~~to~~ provide for the payment thereof by pledging the whole or any

HB 1489

2006
CS

1550 part of the funds, revenues, and assessments of Space Florida
1551 ~~the authority~~.

1552 Section 36. Section 331.338, Florida Statutes, is amended
1553 to read:

1554 331.338 Trust agreements.--In the discretion of the board,
1555 any issue of bonds may be secured by a trust agreement by and
1556 between Space Florida ~~the authority~~ and a corporate trustee
1557 which may be any trust company or bank having the powers of a
1558 trust company within or without the state. The resolution
1559 authorizing the issuance of the bonds or such trust agreement
1560 may pledge the revenues to be received from any projects of
1561 Space Florida ~~the authority~~ and any other authorized moneys to
1562 be used for the repayment of bonds, and may contain such
1563 provisions for protecting and enforcing the rights and remedies
1564 of the bondholders as the board may approve, including without
1565 limitation covenants setting forth the duties of Space Florida
1566 ~~the authority~~ in relation to the acquisition, planning,
1567 development, construction, reconstruction, improvement,
1568 maintenance, repair, operation, and insurance of any projects,
1569 the fixing and revision of the rates, fees, rentals, tolls,
1570 fares, and charges, and the custody, safeguarding, and
1571 application of all moneys, and for the employment of consulting
1572 engineers in connection with such acquisition, planning,
1573 development, construction, reconstruction, improvement,
1574 maintenance, repair, or operation. It shall be lawful for any
1575 bank or trust company incorporated under the laws of the state
1576 or the United States which may act as a depository of the
1577 proceeds of bonds or of revenues to furnish such indemnifying

HB 1489

2006
CS

1578 | bonds or to pledge such securities as may be required by Space
 1579 | Florida ~~the authority~~. Such resolution or trust agreement may
 1580 | set forth the rights and remedies of the bondholders and of the
 1581 | trustee, if any, and may restrict the individual right of action
 1582 | by bondholders. The board may provide for the payment of the
 1583 | proceeds of the sale of the bonds and the revenues of any
 1584 | project to such officer, board, or depository as it may
 1585 | designate for the custody thereof, and for the method of
 1586 | disbursement thereof, with such safeguards and restrictions as
 1587 | it may determine. All expenses incurred in carrying out the
 1588 | provisions of such resolution or trust agreement may be treated
 1589 | as part of the cost of the project to which such trust agreement
 1590 | pertains.

1591 | Section 37. Section 331.339, Florida Statutes, is amended
 1592 | to read:

1593 | 331.339 Sale of bonds.--Bonds may be sold in blocks or
 1594 | installments at different times, or an entire issue or series
 1595 | may be sold at one time. Bonds may only be sold at public sale
 1596 | after being advertised and publicly noticed, unless Space
 1597 | Florida ~~the authority~~ has previously complied with the
 1598 | provisions of s. 218.385. Bonds may be sold or exchanged for
 1599 | refunding bonds. Special assessment and revenue bonds may be
 1600 | delivered as payment by Space Florida ~~the authority~~ of the
 1601 | purchase price or lease of any project or part thereof, or a
 1602 | combination of projects or parts thereof, or as the purchase
 1603 | price of, or exchange for, any property, real, personal, or
 1604 | mixed, including franchises, or services rendered by any
 1605 | contractor, engineer, or other person, all at one time or in

HB 1489

2006
CS

1606 | blocks from time to time, in such manner and upon such terms as
 1607 | the board in its discretion shall determine. The price or prices
 1608 | for any bonds sold, exchanged, or delivered may be:

1609 | (1) The money paid for the bonds.

1610 | (2) The principal amount, plus accrued interest to date of
 1611 | redemption or exchange, of outstanding obligations exchanged for
 1612 | refunding bonds.

1613 | (3) In the case of special assessment or revenue bonds,
 1614 | the amount of any indebtedness to contractors or other persons
 1615 | paid with such bonds, or the fair value of any properties
 1616 | exchanged for the bonds, as determined by the board.

1617 | Section 38. Section 331.340, Florida Statutes, is amended
 1618 | to read:

1619 | 331.340 Authorization and form of bonds.--Bonds may be
 1620 | authorized by resolution or resolutions of the board which shall
 1621 | be adopted by a majority of all of the members thereof then in
 1622 | office and present at the meeting at which the resolution or
 1623 | resolutions are adopted and shall be approved as provided in s.
 1624 | 331.305. The resolution or resolutions of the board may be
 1625 | adopted at the same meeting at which they are introduced, and
 1626 | shall be published and noticed. The board may by resolution
 1627 | authorize the issuance of bonds, fix the aggregate amount of
 1628 | bonds to be issued, the purpose or purposes for which the moneys
 1629 | derived therefrom shall be expended, the rate or rates of
 1630 | interest, the denomination of the bonds, whether or not the
 1631 | bonds are to be issued in one or more series, the date or dates
 1632 | thereof, the date or dates of maturity, which shall not exceed
 1633 | 40 years from their respective dates of issuance, the medium of

HB 1489

2006
CS

1634 | payment, the place or places within or without the state where
 1635 | payment shall be made, registration privileges, redemption terms
 1636 | and privileges (whether with or without premium), the manner of
 1637 | execution, the form of the bonds including any interest coupons
 1638 | to be attached thereto, the manner of execution of bonds and
 1639 | coupons, and any and all other terms, covenants, and conditions
 1640 | thereof, and the establishment of reserve or other funds. Such
 1641 | authorizing resolution may further provide that such bonds may
 1642 | be executed manually or by engraved, lithographed, or facsimile
 1643 | signature, provided that where signatures are engraved,
 1644 | lithographed, or facsimile no bond shall be valid unless
 1645 | countersigned by a registrar or other officer designated by
 1646 | appropriate resolution of the board. The seal of Space Florida
 1647 | ~~the authority~~ may be affixed, lithographed, engraved, or
 1648 | otherwise reproduced in facsimile on such bonds. In case any
 1649 | officer whose signature or a facsimile of whose signature shall
 1650 | appear on any bonds or coupons shall cease to be such officer
 1651 | before the delivery of such bonds, such signature or facsimile
 1652 | shall nevertheless be valid and sufficient for all purposes the
 1653 | same as if the officer had remained in office until such
 1654 | delivery.

1655 | Section 39. Section 331.343, Florida Statutes, is amended
 1656 | to read:

1657 | 331.343 Defeasance.--The board may make such provision
 1658 | with respect to the defeasance of the right, title, and interest
 1659 | of the holders of any of the bonds and obligations of Space
 1660 | Florida ~~the authority~~ in any revenues, funds, or other
 1661 | properties by which such bonds are secured as the board deems

HB 1489

2006
CS

1662 appropriate and, without limitation on the foregoing, may
 1663 provide that when such bonds or obligations become due and
 1664 payable or shall have been called for redemption, and the whole
 1665 amount of the principal and the interest and premium, if any,
 1666 due and payable upon the bonds or obligations when outstanding
 1667 shall be paid, or sufficient moneys or direct obligations of the
 1668 United States Government the principal of and the interest on
 1669 which when due will provide sufficient moneys, shall be held or
 1670 deposited in trust for such purpose, and provision shall also be
 1671 made for paying all other sums payable in connection with such
 1672 bonds or other obligations, then and in such event the right,
 1673 title, and interest of the holders of the bonds in any revenues,
 1674 funds, or other properties by which such bonds are secured shall
 1675 thereupon cease, terminate, and become void; and the board may
 1676 apply any surplus in any sinking fund established in connection
 1677 with such bonds or obligations and all balances remaining in all
 1678 other funds or accounts other than money held for the redemption
 1679 or payment of the bonds or other obligations to any lawful
 1680 purpose of Space Florida ~~the authority~~ as the board shall
 1681 determine.

1682 Section 40. Section 331.345, Florida Statutes, is amended
 1683 to read:

1684 331.345 Covenants.--Any resolution authorizing the
 1685 issuance of bonds may contain such covenants as the board may
 1686 deem advisable and all such covenants shall constitute valid and
 1687 legally binding and enforceable contracts between Space Florida
 1688 ~~the authority~~ and the bondholders, regardless of the time of
 1689 issuance thereof. Such covenants may include, without

HB 1489

2006
CS

1690 | limitation, covenants concerning the disposition of the bond
 1691 | proceeds, the use and disposition of project revenues, the
 1692 | pledging of revenues, and assessments, the obligations of Space
 1693 | Florida ~~the authority~~ with respect to the operation of the
 1694 | project and the maintenance of adequate project revenues, the
 1695 | issuance of additional bonds, the appointment, powers, and
 1696 | duties of trustees and receivers, the acquisition of outstanding
 1697 | bonds and obligations, restrictions on the establishing of
 1698 | competing projects or facilities, restrictions on the sale or
 1699 | disposal of the assets and property of Space Florida ~~the~~
 1700 | ~~authority~~, the priority of assessment liens, the priority of
 1701 | claims by bondholders on the taxing power of Space Florida ~~the~~
 1702 | ~~authority~~, the maintenance of deposits to assure the payment of
 1703 | revenues by users of spaceport facilities and services, the
 1704 | discontinuance of Space Florida ~~authority~~ services by reason of
 1705 | delinquent payments, acceleration upon default, the execution of
 1706 | necessary instruments, the procedure for amending or abrogating
 1707 | covenants with the bondholders, and such other covenants as may
 1708 | be deemed necessary or desirable for the security of the
 1709 | bondholders.

1710 | Section 41. Section 331.346, Florida Statutes, is amended
 1711 | to read:

1712 | 331.346 Validity of bonds; validation proceedings.--Any
 1713 | bonds issued by Space Florida ~~the authority~~ shall be
 1714 | incontestable in the hands of bona fide purchasers or holders
 1715 | for value and shall not be invalid because of any irregularity
 1716 | or defect in the proceedings for the issue and sale thereof.
 1717 | Prior to the issuance of any bonds, Space Florida ~~the authority~~

HB 1489

2006
CS

1718 shall publish a notice at least once in a newspaper or
 1719 newspapers published or of general circulation in the
 1720 appropriate counties in the state, stating the date of adoption
 1721 of the resolution authorizing such obligations, the amount,
 1722 maximum rate of interest, and maturity of such obligations, and
 1723 the purpose in general terms for which such obligations are to
 1724 be issued, and further stating that no action or proceeding
 1725 questioning the validity of such obligations or of the
 1726 proceedings authorizing the issuance thereof, or of any
 1727 covenants made therein, must be instituted within 20 days after
 1728 the first publication of such notice, or the validity of such
 1729 obligations, proceedings, and covenants shall not be thereafter
 1730 questioned in any court whatsoever. If no such action or
 1731 proceeding is so instituted within such 20-day period, then the
 1732 validity of such obligations, proceedings, and covenants shall
 1733 be conclusive, and all persons or parties whatsoever shall be
 1734 forever barred from questioning the validity of such
 1735 obligations, proceedings, or covenants in any court whatsoever.

1736 Section 42. Section 331.347, Florida Statutes, is amended
 1737 to read:

1738 331.347 Act furnishes full authority for issuance of
 1739 bonds.--This act constitutes full and complete authority for the
 1740 issuance of bonds and the exercise of the powers of Space
 1741 Florida ~~the authority~~ provided herein. Any and all bonds issued
 1742 by Space Florida ~~the authority~~ shall not be secured by the full
 1743 faith and credit of the State of Florida and do not constitute
 1744 an obligation, either general or special, thereof.

HB 1489

2006
CS

1745 Section 43. Section 331.348, Florida Statutes, is amended
1746 to read:

1747 331.348 Investment of funds.--The board may in its
1748 discretion invest funds of Space Florida ~~the authority~~ through
1749 the Chief Financial Officer or in:

1750 (1) Direct obligations of or obligations guaranteed by the
1751 United States or for the payment of the principal and interest
1752 of which the faith and credit of the United States is pledged;

1753 (2) Bonds or notes issued by any of the following federal
1754 agencies: Bank for Cooperatives; federal intermediate credit
1755 banks; federal home loan bank system; federal land banks; or the
1756 Federal National Mortgage Association (including debentures or
1757 participating certificates issued by such association);

1758 (3) Public housing bonds issued by public housing
1759 authorities and secured by a pledge or annual contributions
1760 under an annual contribution contract or contracts with the
1761 United States;

1762 (4) Bonds or other interest-bearing obligations of any
1763 county, district, city, or town located in the state for which
1764 the full faith and credit of such political subdivision is
1765 pledged;

1766 (5) Any investment authorized for insurers by ss. 625.306-
1767 625.316 and amendments thereto; or

1768 (6) Any investment authorized under s. 17.57 and
1769 amendments thereto.

1770 Section 44. Section 331.349, Florida Statutes, is amended
1771 to read:

HB 1489

2006
CS

1772 331.349 Fiscal year of Space Florida ~~the authority~~.--The
1773 board may ~~has the power to~~ establish and from time to time
1774 redetermine the fiscal year of Space Florida ~~the authority~~.
1775 Unless the board otherwise provides, Space Florida's ~~the~~
1776 ~~authority's~~ fiscal year shall be July 1 through June 30.

1777 Section 45. Section 331.350, Florida Statutes, is amended
1778 to read:

1779 331.350 Insurance coverage of Space Florida ~~the authority~~;
1780 safety program.--

1781 (1) Notwithstanding any other provision of law, the State
1782 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1783 not insure buildings and property owned or leased by Space
1784 Florida ~~the authority~~.

1785 (2) Notwithstanding any other provision of law, the State
1786 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1787 not insure against any liability of Space Florida ~~the authority~~.

1788 (3) Space Florida ~~The authority~~ shall establish a safety
1789 program. The safety program shall include:

1790 (a) The development and implementation of a loss
1791 prevention program which shall consist of a comprehensive
1792 ~~authority-wide~~ safety program for all of Space Florida,
1793 including a statement, established by the board of directors
1794 ~~supervisors~~, of safety policy and responsibility.

1795 (b) Provision for regular and periodic facility and
1796 equipment inspections.

1797 (c) Investigation of job-related employee accidents and
1798 other accidents occurring on the premises of Space Florida ~~the~~
1799 ~~authority~~ or within areas of its jurisdiction.

HB 1489

2006
CS

1800 (d) Establishment of a program to promote increased safety
 1801 awareness among employees, agents, and subcontractors of Space
 1802 Florida ~~the authority~~.

1803 (4) (a) Space Florida ~~The authority~~ shall, if available,
 1804 secure insurance coverage within reasonable limits for liability
 1805 which may arise as a consequence of its responsibilities.

1806 (b) Space Florida ~~The authority~~ shall, if available, and
 1807 if cost-effective, secure insurance coverage on its buildings,
 1808 facilities, and property at reasonable levels.

1809 (c) Space Florida ~~The authority~~, with respect to the
 1810 purchase of insurance, shall be subject to the applicable
 1811 provisions of chapter 287 and other applicable law.

1812 Section 46. Section 331.351, Florida Statutes, is amended
 1813 to read:

1814 331.351 Participation by women, minorities, and socially
 1815 and economically disadvantaged business enterprises
 1816 encouraged.--It is the intent of the Legislature and the public
 1817 policy of this state that women, minorities, and socially and
 1818 economically disadvantaged business enterprises be encouraged to
 1819 participate fully in all phases of economic and community
 1820 development. Accordingly, to achieve such purpose, Space Florida
 1821 ~~the authority~~ shall, in accordance with applicable state and
 1822 federal law, involve and utilize women, minorities, and socially
 1823 and economically disadvantaged business enterprises in all
 1824 phases of the design, development, construction, maintenance,
 1825 and operation of spaceports developed under this act.

1826 Section 47. Section 331.354, Florida Statutes, is amended
 1827 to read:

HB 1489

2006
CS

1828 | 331.354 Tax exemption.--The exercise of the powers granted
 1829 | by this act in all respects shall be for the benefit of the
 1830 | people of the state, for the increase of their industry and
 1831 | prosperity, for the improvement of their health and living
 1832 | conditions, and for the provision of gainful employment and
 1833 | shall constitute the performance of essential public functions.
 1834 | Space Florida is ~~The authority shall not be required to pay any~~
 1835 | ~~taxes on any project or any other property owned by~~ Space
 1836 | Florida ~~the authority under the provisions of this act or upon~~
 1837 | ~~the income therefrom. The bonds issued under the provisions of~~
 1838 | ~~this act or upon the income therefrom (including any profit made~~
 1839 | ~~on the sale thereof), and all notes, mortgages, security~~
 1840 | ~~agreements, letters of credit, or other instruments which arise~~
 1841 | ~~out of or are given to secure the repayment of bonds issued in~~
 1842 | ~~connection with a project financed under this act, shall at all~~
 1843 | ~~times be free from taxation by the state or any local unit,~~
 1844 | ~~political subdivision, or other instrumentality of the state.~~
 1845 | ~~Nothing in~~ This section, however, does not exempt ~~shall be~~
 1846 | ~~construed as exempting~~ from taxation or assessments the
 1847 | leasehold interest of a lessee in any project or any other
 1848 | property or interest owned by the lessee. The exemption granted
 1849 | by this section is ~~shall not be~~ applicable to any tax imposed by
 1850 | chapter 220 on interest, income, or profits on debt obligations
 1851 | owned by corporations.

1852 | Section 48. Section 331.355, Florida Statutes, is amended
 1853 | to read:

1854 | 331.355 Use of name; ownership rights to intellectual
 1855 | property.--

HB 1489

2006
CS

1856 (1) (a) The corporate name of a corporation incorporated or
 1857 authorized to transact business in this state, or the name of
 1858 any person or business entity transacting business in this
 1859 state, may not use the words "Space Florida," "Florida Space
 1860 Authority," "Florida Aerospace Finance Corporation," "Florida
 1861 Space Research Institute," "spaceport Florida," or "Florida
 1862 spaceport" in its name unless Space Florida ~~the authority~~ gives
 1863 written approval for such use.

1864 (b) The Department of State may dissolve, pursuant to s.
 1865 607.1421, any corporation that violates paragraph (a).

1866 (2) Notwithstanding any provision of chapter 286, the
 1867 legal title and every right, interest, claim, or demand of any
 1868 kind in and to any patent, trademark, copyright, certification
 1869 mark, or other right acquired under the patent and trademark
 1870 laws of the United States or this state or any foreign country,
 1871 or the application for the same, as is owned or held, acquired,
 1872 or developed by Space Florida ~~the authority~~, under the authority
 1873 and directions given it by this part, is vested in Space Florida
 1874 ~~the authority~~ for the use, benefit, and purposes provided in
 1875 this part. Space Florida ~~The authority~~ is vested with and is
 1876 authorized to exercise any and all of the normal incidents of
 1877 such ownership, including the receipt and disposition of
 1878 royalties. Any sums received as royalties from any such rights
 1879 are hereby appropriated to Space Florida ~~the authority~~ for any
 1880 and all of the purposes and uses provided in this part.

1881 Section 49. Section 331.360, Florida Statutes, is amended
 1882 to read:

HB 1489

2006
CS

1883 | 331.360 Joint project agreement or assistance; spaceport
1884 | master plan.--

1885 | (1) It shall be the duty, function, and responsibility of
1886 | the Department of Transportation to promote the further
1887 | development and improvement of aerospace transportation
1888 | facilities; to address intermodal requirements and impacts of
1889 | the launch ranges, spaceports, and other space transportation
1890 | facilities; to assist in the development of joint-use facilities
1891 | and technology that support aviation and aerospace operations;
1892 | and to facilitate and promote cooperative efforts between
1893 | federal and state government entities to improve space
1894 | transportation capacity and efficiency. In carrying out this
1895 | duty and responsibility, the department may assist and advise,
1896 | cooperate with, and coordinate with federal, state, local, or
1897 | private organizations and individuals. The department may
1898 | administratively house its space transportation responsibilities
1899 | within an existing division or office.

1900 | (2) Notwithstanding any other provision of law, the
1901 | Department of Transportation may enter into a joint project
1902 | agreement with, or otherwise assist, ~~the Florida Space~~ Florida
1903 | ~~Authority~~ as necessary to effectuate the provisions of this
1904 | chapter and may allocate funds for such purposes in its 5-year
1905 | work program. However, the department may not fund the
1906 | administrative or operational costs of Space Florida ~~the~~
1907 | ~~authority~~.

1908 | (3) Space Florida ~~The authority~~ shall develop a spaceport
1909 | master plan for expansion and modernization of space
1910 | transportation facilities within spaceport territories as

HB 1489

2006
CS

1911 defined in s. 331.303~~(23)~~. The plan shall contain recommended
 1912 projects to meet current and future commercial, national, and
 1913 state space transportation requirements. Space Florida ~~The~~
 1914 ~~authority~~ shall submit the plan to any appropriate metropolitan
 1915 planning organization ~~M.P.O.~~ for review of intermodal impacts.
 1916 Space Florida ~~The authority~~ shall submit the spaceport master
 1917 plan to the Department of Transportation, and such plan may be
 1918 included within the department's 5-year work program of
 1919 qualifying aerospace discretionary capacity improvement under
 1920 subsection (4). The plan shall identify appropriate funding
 1921 levels and include recommendations on appropriate sources of
 1922 revenue that may be developed to contribute to the State
 1923 Transportation Trust Fund.

1924 (4) Subject to the availability of appropriated funds, the
 1925 department may participate in the capital cost of eligible
 1926 spaceport discretionary capacity improvement projects. The
 1927 annual legislative budget request shall be based on the proposed
 1928 funding requested for approved spaceport discretionary capacity
 1929 improvement projects.

1930 Section 50. Section 331.369, Florida Statutes, is amended
 1931 to read:

1932 331.369 Space Industry Workforce Initiative.--

1933 (1) The Legislature finds that the aerospace ~~space~~
 1934 industry is critical to the economic future of the state and
 1935 that the competitiveness of the industry in the state depends
 1936 upon the development and maintenance of a qualified workforce.
 1937 The Legislature further finds that the aerospace ~~space~~ industry
 1938 in this state has diverse and complex workforce needs,

HB 1489

2006
CS

1939 | including, but not limited to, the need for qualified entry-
 1940 | level workers, the need to upgrade the skills of technician-
 1941 | level incumbent workers, and the need to ensure continuing
 1942 | education opportunities for workers with advanced educational
 1943 | degrees. It is the intent of the Legislature to support programs
 1944 | designed to address the workforce development needs of the
 1945 | aerospace ~~space~~ industry in this state.

1946 | (2) The Workforce Development Board of Enterprise Florida,
 1947 | Inc., or its successor entity, shall coordinate development of a
 1948 | Space Industry Workforce Initiative in partnership with Space
 1949 | Florida, ~~the Florida Space Research Institute, the institute's~~
 1950 | ~~consortium~~ of public and private universities, community
 1951 | colleges, and other training providers approved by the board.
 1952 | The purpose of the initiative is to use or revise existing
 1953 | programs and to develop innovative new programs to address the
 1954 | workforce needs of the aerospace ~~space~~ industry.

1955 | (3) The initiative shall emphasize:

1956 | (a) Curricula content and timeframes developed with
 1957 | industry participation and endorsed by the industry;

1958 | (b) Programs that certify persons completing training as
 1959 | meeting industry-approved standards or competencies;

1960 | (c) Use of distance-learning and computer-based training
 1961 | modules as appropriate and feasible;

1962 | (d) Industry solicitation of public and private
 1963 | universities to develop continuing education programs at the
 1964 | master's and doctoral levels;

HB 1489

2006
CS

1965 (e) Agreements with the National Aeronautics and Space
1966 Administration to replicate on a national level successful
1967 training programs developed through the initiative; and

1968 (f) Leveraging of state and federal workforce funds.

1969 (4) The Workforce Development Board of Enterprise Florida,
1970 Inc., or its successor entity, with the assistance of Space
1971 Florida ~~the Florida Space Research Institute~~, shall convene
1972 representatives from the aerospace ~~space~~ industry to identify
1973 the priority training and education needs of the industry and to
1974 appoint a team to design programs to meet the ~~such~~ priority
1975 needs.

1976 (5) The Workforce Development Board of Enterprise Florida,
1977 Inc., or its successor entity, as part of its statutorily
1978 prescribed annual report to the Legislature, shall provide
1979 recommendations for policies, programs, and funding to enhance
1980 the workforce needs of the aerospace ~~space~~ industry.

1981 Section 51. Paragraph (g) of subsection (2) of section
1982 14.2015, Florida Statutes, is amended to read:

1983 14.2015 Office of Tourism, Trade, and Economic
1984 Development; creation; powers and duties.--

1985 (2) The purpose of the Office of Tourism, Trade, and
1986 Economic Development is to assist the Governor in working with
1987 the Legislature, state agencies, business leaders, and economic
1988 development professionals to formulate and implement coherent
1989 and consistent policies and strategies designed to provide
1990 economic opportunities for all Floridians. To accomplish such
1991 purposes, the Office of Tourism, Trade, and Economic Development
1992 shall:

HB 1489

2006
CS

1993 (g) Serve as contract administrator for the state with
 1994 respect to contracts with Enterprise Florida, Inc., the Florida
 1995 Commission on Tourism, Space Florida, and all direct-support
 1996 organizations under this act, excluding those relating to
 1997 tourism. To accomplish the provisions of this act and applicable
 1998 provisions of chapter 288, and notwithstanding the provisions of
 1999 part I of chapter 287, the office shall enter into specific
 2000 contracts with Enterprise Florida, Inc., the Florida Commission
 2001 on Tourism, and other appropriate direct-support organizations.
 2002 Such contracts may be multiyear and shall include specific
 2003 performance measures for each year.

2004 Section 52. Section 74.011, Florida Statutes, is amended
 2005 to read:

2006 74.011 Scope.--In any eminent domain action, properly
 2007 instituted by and in the name of the state; the Department of
 2008 Transportation; any county, school board, municipality,
 2009 expressway authority, regional water supply authority,
 2010 transportation authority, flood control district, or drainage or
 2011 subdrainage district; the ship canal authority; any lawfully
 2012 constituted housing, port, or aviation authority; ~~the Florida~~
 2013 ~~Space Authority~~; or any rural electric cooperative, telephone
 2014 cooperative corporation, or public utility corporation, the
 2015 petitioner may avail itself of the provisions of this chapter to
 2016 take possession and title in advance of the entry of final
 2017 judgment.

2018 Section 53. Subsection (6) of section 196.012, Florida
 2019 Statutes, is amended to read:

HB 1489

2006
CS

2020 196.012 Definitions.--For the purpose of this chapter, the
2021 following terms are defined as follows, except where the context
2022 clearly indicates otherwise:

2023 (6) Governmental, municipal, or public purpose or function
2024 shall be deemed to be served or performed when the lessee under
2025 any leasehold interest created in property of the United States,
2026 the state or any of its political subdivisions, or any
2027 municipality, agency, special district, authority, or other
2028 public body corporate of the state is demonstrated to perform a
2029 function or serve a governmental purpose which could properly be
2030 performed or served by an appropriate governmental unit or which
2031 is demonstrated to perform a function or serve a purpose which
2032 would otherwise be a valid subject for the allocation of public
2033 funds. For purposes of the preceding sentence, an activity
2034 undertaken by a lessee which is permitted under the terms of its
2035 lease of real property designated as an aviation area on an
2036 airport layout plan which has been approved by the Federal
2037 Aviation Administration and which real property is used for the
2038 administration, operation, business offices and activities
2039 related specifically thereto in connection with the conduct of
2040 an aircraft full service fixed base operation which provides
2041 goods and services to the general aviation public in the
2042 promotion of air commerce shall be deemed an activity which
2043 serves a governmental, municipal, or public purpose or function.
2044 Any activity undertaken by a lessee which is permitted under the
2045 terms of its lease of real property designated as a public
2046 airport as defined in s. 332.004(14) by municipalities,
2047 agencies, special districts, authorities, or other public bodies

HB 1489

2006
CS

2048 corporate and public bodies politic of the state, a spaceport as
 2049 defined in s. 331.303(19), or which is located in a deepwater
 2050 port identified in s. 403.021(9)(b) and owned by one of the
 2051 foregoing governmental units, subject to a leasehold or other
 2052 possessory interest of a nongovernmental lessee that is deemed
 2053 to perform an aviation, airport, aerospace, maritime, or port
 2054 purpose or operation shall be deemed an activity that serves a
 2055 governmental, municipal, or public purpose. The use by a lessee,
 2056 licensee, or management company of real property or a portion
 2057 thereof as a convention center, visitor center, sports facility
 2058 with permanent seating, concert hall, arena, stadium, park, or
 2059 beach is deemed a use that serves a governmental, municipal, or
 2060 public purpose or function when access to the property is open
 2061 to the general public with or without a charge for admission. If
 2062 property deeded to a municipality by the United States is
 2063 subject to a requirement that the Federal Government, through a
 2064 schedule established by the Secretary of the Interior, determine
 2065 that the property is being maintained for public historic
 2066 preservation, park, or recreational purposes and if those
 2067 conditions are not met the property will revert back to the
 2068 Federal Government, then such property shall be deemed to serve
 2069 a municipal or public purpose. The term "governmental purpose"
 2070 also includes a direct use of property on federal lands in
 2071 connection with the Federal Government's Space Exploration
 2072 Program or spaceport activities as defined in s. 212.02(22).
 2073 Real property and tangible personal property owned by the
 2074 Federal Government or Space Florida ~~the Florida Space Authority~~
 2075 and used for defense and space exploration purposes or which is

HB 1489

2006
CS

2076 | put to a use in support thereof shall be deemed to perform an
 2077 | essential national governmental purpose and shall be exempt.
 2078 | "Owned by the lessee" as used in this chapter does not include
 2079 | personal property, buildings, or other real property
 2080 | improvements used for the administration, operation, business
 2081 | offices and activities related specifically thereto in
 2082 | connection with the conduct of an aircraft full service fixed
 2083 | based operation which provides goods and services to the general
 2084 | aviation public in the promotion of air commerce provided that
 2085 | the real property is designated as an aviation area on an
 2086 | airport layout plan approved by the Federal Aviation
 2087 | Administration. For purposes of determination of "ownership,"
 2088 | buildings and other real property improvements which will revert
 2089 | to the airport authority or other governmental unit upon
 2090 | expiration of the term of the lease shall be deemed "owned" by
 2091 | the governmental unit and not the lessee. Providing two-way
 2092 | telecommunications services to the public for hire by the use of
 2093 | a telecommunications facility, as defined in s. 364.02(15), and
 2094 | for which a certificate is required under chapter 364 does not
 2095 | constitute an exempt use for purposes of s. 196.199, unless the
 2096 | telecommunications services are provided by the operator of a
 2097 | public-use airport, as defined in s. 332.004, for the operator's
 2098 | provision of telecommunications services for the airport or its
 2099 | tenants, concessionaires, or licensees, or unless the
 2100 | telecommunications services are provided by a public hospital.
 2101 | However, property that is being used to provide such
 2102 | telecommunications services on or before October 1, 1997, shall
 2103 | remain exempt, but such exemption expires October 1, 2004.

HB 1489

2006
CS

2104 Section 54. Subsection (22) of section 212.02, Florida
2105 Statutes, is amended to read:

2106 212.02 Definitions.--The following terms and phrases when
2107 used in this chapter have the meanings ascribed to them in this
2108 section, except where the context clearly indicates a different
2109 meaning:

2110 (22) "Spaceport activities" means activities directed or
2111 sponsored by Space Florida ~~the Florida Space Authority~~ on
2112 spaceport territory pursuant to its powers and responsibilities
2113 under the Space Florida Act ~~Florida Space Authority Act~~.

2114 Section 55. Subsection (7) of section 288.063, Florida
2115 Statutes, is amended to read:

2116 288.063 Contracts for transportation projects.--

2117 (7) For the purpose of this section, Space Florida ~~the~~
2118 ~~Florida Space Authority~~ may serve as the local government or as
2119 the contracting agency for transportation projects within
2120 spaceport territory as defined by s. 331.304.

2121 Section 56. Subsection (1) of section 288.075, Florida
2122 Statutes, is amended to read:

2123 288.075 Confidentiality of records.--

2124 (1) As used in this section, the term "economic
2125 development agency" means the Office of Tourism, Trade, and
2126 Economic Development, any industrial development authority
2127 created in accordance with part III of chapter 159 or by special
2128 law, Space Florida ~~the Florida Space Authority~~ created in part
2129 II of chapter 331, ~~the Florida Aerospace Finance Corporation~~
2130 ~~created in part III of chapter 331~~, the public economic
2131 development agency of a county or municipality, or any research

HB 1489

2006
CS

2132 and development authority created in accordance with part V of
 2133 chapter 159. The term also includes any private agency, person,
 2134 partnership, corporation, or business entity when authorized by
 2135 the state, a municipality, or a county to promote the general
 2136 business interests or industrial interests of the state or that
 2137 municipality or county.

2138 Section 57. Subsection (2) of section 288.35, Florida
 2139 Statutes, is amended to read:

2140 288.35 Definitions.--The following terms, wherever used or
 2141 referred to in this part, shall have the following meanings:

2142 (2) "Government agency" means the state or any county or
 2143 political subdivision thereof; any state agency; any
 2144 consolidated government of a county, and some or all of the
 2145 municipalities located within the said county; any chartered
 2146 municipality in the state; and any of the institutions of such
 2147 consolidated governments, counties, or municipalities.

2148 Specifically included are airports, port authorities, industrial
 2149 authorities, and Space Florida ~~the Florida Space Authority~~.

2150 Section 58. Subsection (2) of section 288.9415, Florida
 2151 Statutes, is amended to read:

2152 288.9415 International Trade Grants.--

2153 (2) A county, municipality, economic development council,
 2154 Space Florida ~~the Florida Space Authority~~, or a not-for-profit
 2155 association of businesses organized to assist in the promotion
 2156 of international trade may apply for a grant of state funds for
 2157 the promotion of international trade.

2158 Section 59. Paragraph (j) of subsection (5) of section
 2159 212.08, Florida Statutes, is amended to read:

HB 1489

2006
CS

2160 212.08 Sales, rental, use, consumption, distribution, and
2161 storage tax; specified exemptions.--The sale at retail, the
2162 rental, the use, the consumption, the distribution, and the
2163 storage to be used or consumed in this state of the following
2164 are hereby specifically exempt from the tax imposed by this
2165 chapter.

2166 (5) EXEMPTIONS; ACCOUNT OF USE.--

2167 (j) Machinery and equipment used in semiconductor,
2168 defense, or space technology production and research and
2169 development.--

2170 1.a. Industrial machinery and equipment used in
2171 semiconductor technology facilities certified under subparagraph
2172 6. to manufacture, process, compound, or produce semiconductor
2173 technology products for sale or for use by these facilities are
2174 exempt from the tax imposed by this chapter. For purposes of
2175 this paragraph, industrial machinery and equipment includes
2176 molds, dies, machine tooling, other appurtenances or accessories
2177 to machinery and equipment, testing equipment, test beds,
2178 computers, and software, whether purchased or self-fabricated,
2179 and, if self-fabricated, includes materials and labor for
2180 design, fabrication, and assembly.

2181 b. Industrial machinery and equipment used in defense or
2182 space technology facilities certified under subparagraph 6. to
2183 design, manufacture, assemble, process, compound, or produce
2184 defense technology products or space technology products for
2185 sale or for use by these facilities are exempt from ~~25 percent~~
2186 ~~of~~ the tax imposed by this chapter.

HB 1489

2006
CS

2187 2.a. Machinery and equipment are exempt from the tax
2188 imposed by this chapter if used predominately in semiconductor
2189 wafer research and development activities in a semiconductor
2190 technology research and development facility certified under
2191 subparagraph 6. For purposes of this paragraph, machinery and
2192 equipment includes molds, dies, machine tooling, other
2193 appurtenances or accessories to machinery and equipment, testing
2194 equipment, test beds, computers, and software, whether purchased
2195 or self-fabricated, and, if self-fabricated, includes materials
2196 and labor for design, fabrication, and assembly.

2197 b. Machinery and equipment are exempt from ~~25 percent of~~
2198 the tax imposed by this chapter if used predominately in defense
2199 or space research and development activities in a defense or
2200 space technology research and development facility certified
2201 under subparagraph 6.

2202 3. Building materials purchased for use in manufacturing
2203 or expanding clean rooms in semiconductor-manufacturing
2204 facilities are exempt from the tax imposed by this chapter.

2205 4. In addition to meeting the criteria mandated by
2206 subparagraph 1., subparagraph 2., or subparagraph 3., a business
2207 must be certified by the Office of Tourism, Trade, and Economic
2208 Development as authorized in this paragraph in order to qualify
2209 for exemption under this paragraph.

2210 5. For items purchased tax exempt pursuant to this
2211 paragraph, possession of a written certification from the
2212 purchaser, certifying the purchaser's entitlement to exemption
2213 pursuant to this paragraph, relieves the seller of the
2214 responsibility of collecting the tax on the sale of such items,

HB 1489

2006
CS

2215 | and the department shall look solely to the purchaser for
2216 | recovery of tax if it determines that the purchaser was not
2217 | entitled to the exemption.

2218 | 6.a. To be eligible to receive the exemption provided by
2219 | subparagraph 1., subparagraph 2., or subparagraph 3., a
2220 | qualifying business entity shall apply to Enterprise Florida,
2221 | Inc. The application shall be developed by the Office of
2222 | Tourism, Trade, and Economic Development in consultation with
2223 | Enterprise Florida, Inc.

2224 | b. Enterprise Florida, Inc., shall review each submitted
2225 | application and information and determine whether or not the
2226 | application is complete within 5 working days. Once an
2227 | application is complete, Enterprise Florida, Inc., shall, within
2228 | 10 working days, evaluate the application and recommend approval
2229 | or disapproval of the application to the Office of Tourism,
2230 | Trade, and Economic Development.

2231 | c. Upon receipt of the application and recommendation from
2232 | Enterprise Florida, Inc., the Office of Tourism, Trade, and
2233 | Economic Development shall certify within 5 working days those
2234 | applicants who are found to meet the requirements of this
2235 | section and notify the applicant, Enterprise Florida, Inc., and
2236 | the department of the certification. If the Office of Tourism,
2237 | Trade, and Economic Development finds that the applicant does
2238 | not meet the requirements of this section, it shall notify the
2239 | applicant and Enterprise Florida, Inc., within 10 working days
2240 | that the application for certification has been denied and the
2241 | reasons for denial. The Office of Tourism, Trade, and Economic

HB 1489

2006
CS

2242 Development has final approval authority for certification under
2243 this section.

2244 7.a. A business may apply once each year for the
2245 exemption.

2246 b. The application must indicate, for program evaluation
2247 purposes only, the average number of full-time equivalent
2248 employees at the facility over the preceding calendar year, the
2249 average wage and benefits paid to those employees over the
2250 preceding calendar year, the total investment made in real and
2251 tangible personal property over the preceding calendar year, and
2252 the total value of tax-exempt purchases and taxes exempted
2253 during the previous year. The department shall assist the Office
2254 of Tourism, Trade, and Economic Development in evaluating and
2255 verifying information provided in the application for exemption.

2256 c. The Office of Tourism, Trade, and Economic Development
2257 may use the information reported on the application for
2258 evaluation purposes only and shall prepare an annual report on
2259 the exemption program and its cost and impact. The annual report
2260 for the preceding fiscal year shall be submitted to the
2261 Governor, the President of the Senate, and the Speaker of the
2262 House of Representatives by September 30 of each fiscal year.

2263 8. A business certified to receive this exemption may
2264 elect to designate one or more state universities or community
2265 colleges as recipients of up to 100 percent of the amount of the
2266 exemption for which they may qualify. To receive these funds,
2267 the institution must agree to match the funds so earned with
2268 equivalent cash, programs, services, or other in-kind support on
2269 a one-to-one basis in the pursuit of research and development

HB 1489

2006
CS

2270 projects as requested by the certified business. The rights to
 2271 any patents, royalties, or real or intellectual property must be
 2272 vested in the business unless otherwise agreed to by the
 2273 business and the university or community college.

2274 9. As used in this paragraph, the term:

2275 a. "Predominately" means at least 50 percent of the time
 2276 in qualifying research and development.

2277 b. "Research and development" means basic and applied
 2278 research in the science or engineering, as well as the design,
 2279 development, and testing, of prototypes or processes of new or
 2280 improved products, including the design, development, and
 2281 testing of space launch vehicles, space flight vehicles,
 2282 missiles, satellites, or research payloads, avionics, and
 2283 associated control systems and processing systems, and
 2284 components of any of the foregoing. Research and development
 2285 does not include market research, routine consumer product
 2286 testing, sales research, research in the social sciences or
 2287 psychology, or similar nontechnological activities, ~~or technical~~
 2288 services.

2289 c. "Semiconductor technology products" means raw
 2290 semiconductor wafers or semiconductor thin films that are
 2291 transformed into semiconductor memory or logic wafers, including
 2292 wafers containing mixed memory and logic circuits; related
 2293 assembly and test operations; active-matrix flat panel displays;
 2294 semiconductor chips; semiconductor lasers; optoelectronic
 2295 elements; and related semiconductor technology products as
 2296 determined by the Office of Tourism, Trade, and Economic
 2297 Development.

HB 1489

2006
CS

2298 | d. "Clean rooms" means manufacturing facilities enclosed
2299 | in a manner that meets the clean manufacturing requirements
2300 | necessary for high-technology semiconductor-manufacturing
2301 | environments.

2302 | e. "Defense technology products" means products that have
2303 | a military application, including, but not limited to, weapons,
2304 | weapons systems, guidance systems, surveillance systems,
2305 | communications or information systems, munitions, aircraft,
2306 | vessels, or boats, or components thereof, which are intended for
2307 | military use and manufactured in performance of a contract with
2308 | the United States Department of Defense or the military branch
2309 | of a recognized foreign government or a subcontract thereunder
2310 | which relates to matters of national defense.

2311 | f. "Space technology products" means products that are
2312 | specifically designed or manufactured for application in space
2313 | activities, including, but not limited to, space launch
2314 | vehicles, space flight vehicles, missiles, satellites or
2315 | research payloads, avionics, and associated control systems and
2316 | processing systems and components of any of the foregoing. The
2317 | term does not include products that are designed or manufactured
2318 | for general commercial aviation or other uses even though those
2319 | products may also serve an incidental use in space applications.

2320 | Section 60. Paragraph (d) of subsection (6) of section
2321 | 212.20, Florida Statutes, is amended to read:

2322 | 212.20 Funds collected, disposition; additional powers of
2323 | department; operational expense; refund of taxes adjudicated
2324 | unconstitutionally collected.--

HB 1489

2006
CS

2325 (6) Distribution of all proceeds under this chapter and s.
2326 202.18(1)(b) and (2)(b) shall be as follows:

2327 (d) The proceeds of all other taxes and fees imposed
2328 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
2329 and (2)(b) shall be distributed as follows:

2330 1. In any fiscal year, the greater of \$500 million, minus
2331 an amount equal to 4.6 percent of the proceeds of the taxes
2332 collected pursuant to chapter 201, or 5 percent of all other
2333 taxes and fees imposed pursuant to this chapter or remitted
2334 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
2335 monthly installments into the General Revenue Fund.

2336 2. Two-tenths of one percent shall be transferred to the
2337 Ecosystem Management and Restoration Trust Fund to be used for
2338 water quality improvement and water restoration projects.

2339 3. After the distribution under subparagraphs 1. and 2.,
2340 8.814 percent of the amount remitted by a sales tax dealer
2341 located within a participating county pursuant to s. 218.61
2342 shall be transferred into the Local Government Half-cent Sales
2343 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
2344 be transferred pursuant to this subparagraph to the Local
2345 Government Half-cent Sales Tax Clearing Trust Fund shall be
2346 reduced by 0.1 percent, and the department shall distribute this
2347 amount to the Public Employees Relations Commission Trust Fund
2348 less \$5,000 each month, which shall be added to the amount
2349 calculated in subparagraph 4. and distributed accordingly.

2350 4. After the distribution under subparagraphs 1., 2., and
2351 3., 0.095 percent shall be transferred to the Local Government

HB 1489

2006
CS

2352 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
2353 to s. 218.65.

2354 5. After the distributions under subparagraphs 1., 2., 3.,
2355 and 4., 2.0440 percent of the available proceeds pursuant to
2356 this paragraph shall be transferred monthly to the Revenue
2357 Sharing Trust Fund for Counties pursuant to s. 218.215.

2358 6. After the distributions under subparagraphs 1., 2., 3.,
2359 and 4., 1.3409 percent of the available proceeds pursuant to
2360 this paragraph shall be transferred monthly to the Revenue
2361 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
2362 the total revenue to be distributed pursuant to this
2363 subparagraph is at least as great as the amount due from the
2364 Revenue Sharing Trust Fund for Municipalities and the former
2365 Municipal Financial Assistance Trust Fund in state fiscal year
2366 1999-2000, no municipality shall receive less than the amount
2367 due from the Revenue Sharing Trust Fund for Municipalities and
2368 the former Municipal Financial Assistance Trust Fund in state
2369 fiscal year 1999-2000. If the total proceeds to be distributed
2370 are less than the amount received in combination from the
2371 Revenue Sharing Trust Fund for Municipalities and the former
2372 Municipal Financial Assistance Trust Fund in state fiscal year
2373 1999-2000, each municipality shall receive an amount
2374 proportionate to the amount it was due in state fiscal year
2375 1999-2000.

2376 7. Of the remaining proceeds:

2377 a. In each fiscal year, the sum of \$29,915,500 shall be
2378 divided into as many equal parts as there are counties in the
2379 state, and one part shall be distributed to each county. The

HB 1489

2006
CS

2380 | distribution among the several counties shall begin each fiscal
 2381 | year on or before January 5th and shall continue monthly for a
 2382 | total of 4 months. If a local or special law required that any
 2383 | moneys accruing to a county in fiscal year 1999-2000 under the
 2384 | then-existing provisions of s. 550.135 be paid directly to the
 2385 | district school board, special district, or a municipal
 2386 | government, such payment shall continue until such time that the
 2387 | local or special law is amended or repealed. The state covenants
 2388 | with holders of bonds or other instruments of indebtedness
 2389 | issued by local governments, special districts, or district
 2390 | school boards prior to July 1, 2000, that it is not the intent
 2391 | of this subparagraph to adversely affect the rights of those
 2392 | holders or relieve local governments, special districts, or
 2393 | district school boards of the duty to meet their obligations as
 2394 | a result of previous pledges or assignments or trusts entered
 2395 | into which obligated funds received from the distribution to
 2396 | county governments under then-existing s. 550.135. This
 2397 | distribution specifically is in lieu of funds distributed under
 2398 | s. 550.135 prior to July 1, 2000.

2399 | b. The department shall distribute \$166,667 monthly
 2400 | pursuant to s. 288.1162 to each applicant that has been
 2401 | certified as a "facility for a new professional sports
 2402 | franchise" or a "facility for a retained professional sports
 2403 | franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
 2404 | distributed monthly by the department to each applicant that has
 2405 | been certified as a "facility for a retained spring training
 2406 | franchise" pursuant to s. 288.1162; however, not more than
 2407 | \$208,335 may be distributed monthly in the aggregate to all

HB 1489

2006
CS

2408 certified facilities for a retained spring training franchise.
 2409 Distributions shall begin 60 days following such certification
 2410 and shall continue for not more than 30 years. Nothing contained
 2411 in this paragraph shall be construed to allow an applicant
 2412 certified pursuant to s. 288.1162 to receive more in
 2413 distributions than actually expended by the applicant for the
 2414 public purposes provided for in s. 288.1162(6). However, a
 2415 certified applicant is entitled to receive distributions up to
 2416 the maximum amount allowable and undistributed under this
 2417 section for additional renovations and improvements to the
 2418 facility for the franchise without additional certification.

2419 c. Beginning 30 days after notice by the Office of
 2420 Tourism, Trade, and Economic Development to the Department of
 2421 Revenue that an applicant has been certified as the professional
 2422 golf hall of fame pursuant to s. 288.1168 and is open to the
 2423 public, \$166,667 shall be distributed monthly, for up to 300
 2424 months, to the applicant.

2425 d. Beginning 30 days after notice by the Office of
 2426 Tourism, Trade, and Economic Development to the Department of
 2427 Revenue that the applicant has been certified as the
 2428 International Game Fish Association World Center facility
 2429 pursuant to s. 288.1169, and the facility is open to the public,
 2430 \$83,333 shall be distributed monthly, for up to 168 months, to
 2431 the applicant. This distribution is subject to reduction
 2432 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
 2433 made, after certification and before July 1, 2000.

2434 e. Every dealer conducting business at a fixed location at
 2435 the John F. Kennedy Space Center or Cape Canaveral Air Force

HB 1489

2006
CS

2436 Station and selling admissions to the John F. Kennedy Space
2437 Center or Cape Canaveral Air Force Station, or any part of
2438 either location, under a contract with the National Aeronautics
2439 and Space Administration or under a subcontract to such
2440 contract, shall file returns each month in accordance with this
2441 sub-subparagraph. Each dealer must file a separate return each
2442 month which reports, separately from any other sales and use
2443 taxes due under this chapter, the sale of admissions to the John
2444 F. Kennedy Space Center or Cape Canaveral Air Force Station or
2445 any part of the facilities or to any event held at either
2446 location, together with sales at retail of tangible personal
2447 property from such fixed place of business, and leases and
2448 licenses by the dealer at the John F. Kennedy Space Center or
2449 Cape Canaveral Air Force Station taxable under s. 212.031, and
2450 the taxes collected by the dealer with respect to such
2451 admissions, leases, licenses, and sales. All amounts due under
2452 this chapter with respect to these transactions shall be timely
2453 remitted to the department. The dealer shall simultaneously file
2454 a copy of the return with Space Florida and a copy with the
2455 director of the Office of Tourism, Trade, and Economic
2456 Development, all of which return copies and information
2457 contained in such copies are subject to the same confidentiality
2458 provisions as are applicable to returns and information filed
2459 with the department under s. 213.053. Each month the department
2460 shall distribute to Space Florida all such proceeds collected
2461 and remitted to the department as shown on the returns required
2462 by this sub-subparagraph. However, the monthly distributions may
2463 not include proceeds of discretionary surtaxes due under this

Page 89 of 94

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1489-01-c1

HB 1489

2006
CS

2464 chapter. The proceeds of the monthly distributions shall be
2465 expended for aerospace education projects authorized in s.
2466 331.3051. If the department collects any additional amounts
2467 under this chapter with respect to any transactions for which a
2468 separate return is required by this sub-subparagraph, no later
2469 than 30 days after the collection, the proceeds shall be
2470 distributed by the department to Space Florida for the uses
2471 specified in this sub-subparagraph. This sub-subparagraph does
2472 not affect any dealer's liability for other taxes imposed by and
2473 due under this chapter.

2474 8. All other proceeds shall remain with the General
2475 Revenue Fund.

2476 Section 61. Section 1004.86, Florida Statutes, is created
2477 to read:

2478 1004.86 Florida Center for Mathematics and Science
2479 Education Research.--

2480 (1) The Department of Education shall establish at a
2481 public state university the Florida Center for Mathematics and
2482 Science Education Research to increase student achievement in
2483 science and mathematics. The center shall:

2484 (a) Provide technical assistance and support to school
2485 districts and schools in the development and implementation of
2486 mathematics and science instruction.

2487 (b) Conduct applied research on policy and practices
2488 related to mathematics and science instruction and assessment in
2489 the state.

2490 (c) Conduct or compile basic research regarding student
2491 acquisition of mathematics and science knowledge and skills.

HB 1489

2006
CS

2492 (d) Develop comprehensive course frameworks for
2493 mathematics and science courses that emphasize rigor and
2494 relevance at the elementary, middle, and high school levels.

2495 (e) Disseminate information regarding research-based
2496 teaching practices in mathematics and science to teachers and
2497 teacher educators in the state.

2498 (f) Collect, manage, and report on assessment information
2499 regarding student achievement in mathematics and science.

2500 (g) Establish partnerships with state universities,
2501 community colleges, and school districts.

2502 (h) Collaborate with the Florida Center for Reading
2503 Research in order to provide research-based practices that
2504 integrate the teaching of reading within mathematics and
2505 sciences courses.

2506 (2) The department shall monitor the center through the
2507 Division of K-12 Public Schools.

2508 Section 62. Sections 331.314, 331.367, 331.368, 331.401,
2509 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417,
2510 and 331.419, Florida Statutes, are repealed.

2511 Section 63. The Florida Space Authority, the Florida Space
2512 Research Institute, and the Florida Aerospace Finance
2513 Corporation are dissolved effective September 1, 2006. Space
2514 Florida, as created by this act, is the successor organization
2515 to, and as such shall assume the records, property, obligations,
2516 and unexpended balances of appropriations, allocations, or other
2517 funds of, the Florida Space Authority, the Florida Space
2518 Research Institute, and the Florida Aerospace Finance
2519 Corporation.

HB 1489

2006
CS

2520 Section 64. The Governor, the President of the Senate, and
 2521 the Speaker of the House of Representatives shall appoint the
 2522 board of directors of Space Florida no later than July 1, 2006.
 2523 The board of directors of Space Florida shall hold its first
 2524 meeting no later than August 1, 2006. The board of directors of
 2525 Space Florida shall appoint a president no later than September
 2526 1, 2006. The Executive Office of the Governor shall provide
 2527 staffing and transitional support to Space Florida until
 2528 December 31, 2006.

2529 Section 65. Subsection (12) is added to section 288.1224,
 2530 Florida Statutes, to read:

2531 288.1224 Powers and duties.--The commission:

2532 (12) Shall advise and cooperate with Space Florida, when
 2533 appropriate and beneficial.

2534 Section 66. Subsection (7) is added to section 288.9015,
 2535 Florida Statutes, to read:

2536 288.9015 Enterprise Florida, Inc.; purpose; duties.--

2537 (7) Enterprise Florida, Inc., shall advise and cooperate
 2538 with Space Florida, when appropriate and beneficial, related to
 2539 issues of aerospace business retention, expansion, attraction,
 2540 and creation, and other related activities.

2541 Section 67. Subsection (12) is added to section 445.004,
 2542 Florida Statutes, to read:

2543 445.004 Workforce Florida, Inc.; creation; purpose;
 2544 membership; duties and powers.--

2545 (12) Workforce Florida, Inc., shall advise and cooperate
 2546 with Space Florida, when appropriate and beneficial, for the
 2547 furtherance of aerospace workforce development.

HB 1489

2006
CS

2548 Section 68. Subsection (17) is added to section 1001.10,
 2549 Florida Statutes, read:
 2550 1001.10 Commissioner of Education; general powers and
 2551 duties.--The Commissioner of Education is the chief educational
 2552 officer of the state, and is responsible for giving full
 2553 assistance to the State Board of Education in enforcing
 2554 compliance with the mission and goals of the seamless K-20
 2555 education system. To facilitate innovative practices and to
 2556 allow local selection of educational methods, the State Board of
 2557 Education may authorize the commissioner to waive, upon the
 2558 request of a district school board, State Board of Education
 2559 rules that relate to district school instruction and school
 2560 operations, except those rules pertaining to civil rights, and
 2561 student health, safety, and welfare. The Commissioner of
 2562 Education is not authorized to grant waivers for any provisions
 2563 in rule pertaining to the allocation and appropriation of state
 2564 and local funds for public education; the election,
 2565 compensation, and organization of school board members and
 2566 superintendents; graduation and state accountability standards;
 2567 financial reporting requirements; reporting of out-of-field
 2568 teaching assignments under s. 1012.42; public meetings; public
 2569 records; or due process hearings governed by chapter 120. No
 2570 later than January 1 of each year, the commissioner shall report
 2571 to the Legislature and the State Board of Education all approved
 2572 waiver requests in the preceding year. Additionally, the
 2573 commissioner has the following general powers and duties:
 2574 (17) To advise and cooperate with Space Florida, when
 2575 appropriate and beneficial.

HB 1489

2006
CS

2576 | The commissioner's office shall operate all statewide functions
2577 | necessary to support the State Board of Education and the K-20
2578 | education system, including strategic planning and budget
2579 | development, general administration, and assessment and
2580 | accountability.

2581 | Section 69. This act shall take effect upon becoming a
2582 | law.