

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

**BILL:** CS/CS/SB 848

**INTRODUCER:** Community Affairs Committee, Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Gardiner

**SUBJECT:** Spaceport Territory

**DATE:** March 14, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	Fav/CS
2.	Anderson	Yeatman	CA	Fav/CS
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/CS/SB 848 revises spaceport territory for the purposes of the Space Florida Act to include properties in Brevard County as spaceport territory. The properties included in the bill are within the boundaries of the Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.

The bill substantially amends section 331.304 of the Florida Statutes.

**II. Present Situation:**

**Commercial Space Industry**

With the retirement of the Space Shuttle Program in July of 2011,<sup>1</sup> the United States is now reliant on the private sector for the transportation of cargo and passengers to the International Space Station, low Earth orbit, and beyond. Historically, the commercial space industry has

<sup>1</sup> National Aeronautics and Space Administration, Space Shuttle Launches, [http://www.nasa.gov/pdf/537939main\\_ss-launches-080311.pdf](http://www.nasa.gov/pdf/537939main_ss-launches-080311.pdf), last viewed March 5, 2013.

focused primarily on putting payloads, such as satellites, into orbit using expendable launch systems. As the industry shifts its focus toward space tourism, expendable launch systems are slowly being replaced by reusable systems capable of transporting humans and general cargo into space. In response, several states have developed or proposed commercial spaceports in order to capture a greater share of what is anticipated to be a growing market in the near future.<sup>2</sup>

### **Federal Regulations**

The Office of Commercial Space Transportation within the Federal Aviation Administration (FAA) is the federal agency responsible for regulating and facilitating the safe operations of the U.S. commercial space transportation industry. The Commercial Space Launch Act of 1984, as amended, authorizes the FAA to establish licensing and regulatory requirements for launch vehicles, launch sites, and reusable suborbital rockets.<sup>3</sup> The FAA's launch regulations and licensing procedures apply to all commercial launches taking place within the United States, U.S. territories, and for launches being conducted abroad by U.S. companies. In general, the FAA does not license launch sites owned or operated by agencies of the U.S. government.<sup>4</sup> Since 1984, the FAA has licensed the operation of eight FAA-approved launch sites, including the Cape Canaveral Spaceport and the spaceport at Cecil Field.<sup>5</sup>

### **Spaceports in Florida**

Currently, Florida has two federally owned spaceports and two FAA licensed commercial spaceports. The Cape Canaveral Air Force Station and the National Aeronautics and Space Administration's Kennedy Space Center are owned and operated by the federal government. The two FAA licensed commercial spaceports in Florida include the Cape Canaveral Spaceport, operated by Space Florida, and the Cecil Field Spaceport, operated by the Jacksonville Aviation Authority. The Space Launch Site Operator licenses for the Cape Canaveral Spaceport and Cecil Field Spaceport were issued in 1999 and 2010 respectively.

### **Space Coast Regional Airport**

The Space Coast Regional Airport is located about 5 miles south of Titusville and features a 7,319 foot runway. The airport is governed by the Titusville-Cocoa Airport Authority and serves as a corporate and commercial charter aviation facility. The Airport Authority is currently seeking a Space Launch Site Operator license from the FAA. The Space Coast Regional Airport Industrial Park is located adjacent to the airport.

### **Spaceport Territories Designated in the Florida Statutes**

Section 331.304, F.S., provides that certain real property in the following areas constitute a spaceport territory: Brevard County and within the 1998 boundaries of Patrick Air Force Base,

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<sup>2</sup>FAA Aerospace Forecast Fiscal Years 2012-2032, p. 59, [http://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/aviation\\_forecasts/aerospace\\_forecasts/2012-2032/media/Commercial%20Space%20Transportation.pdf](http://www.faa.gov/about/office_org/headquarters_offices/apl/aviation_forecasts/aerospace_forecasts/2012-2032/media/Commercial%20Space%20Transportation.pdf), last viewed March 1, 2013.

<sup>3</sup> 51 U.S.C. Ch. 509, §§ 50901-23.

<sup>4</sup> The FAA also exempts certain classes of small rockets from licensure.

<sup>5</sup> California Spaceport, Kodiak Launch Complex (AK), Mid-Atlantic Regional Spaceport (VA), Mojave Air and Space Port (CA), Clinton-Sherman Industrial Airpark (OK), and Spaceport America (NM).

Cape Canaveral Air Force Station, or John F. Kennedy Space Center, Santa Rosa, Okaloosa, Gulf, and Walton Counties and within the 1997 boundaries of Eglin Air Force Base, Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center, and real property licensed as a spaceport by the Federal Aviation Administration, and designated as spaceport territory by the board of directors of Space Florida.

Section 212.08, F.S., provides a tax exemption for machinery and equipment purchased for a new or expanding business in a spaceport territory. New and expanding businesses located within spaceport territory designated by the bill, may be eligible for this exemption. In order to qualify, a business must be engaged in spaceport activities, as defined by s. 212.02(22), F.S.<sup>6</sup>

Currently, the Space Coast Regional Airport and the Space Coast Regional Airport Industrial Park are not designated as a “spaceport territory” in the Florida Statutes.

### III. Effect of Proposed Changes:

**Section 1** amends s. 331.304, F.S., to designate real property located in Brevard County which is included within the boundaries of the Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park as a spaceport territory.

**Section 2** provides that the bill will take effect upon becoming a law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

Section 212.02(22) F.S., defines “Spaceport activities” as those directed or sponsored by Space Florida on spaceport territory pursuant to its powers and responsibilities under the Space Florida Act. According to statute 212.08, industrial machinery and equipment purchased for exclusive use by a new or expanding business in spaceport activities, or for use in new businesses that manufacture, process, compound, or produce for sale items of

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<sup>6</sup>The term “Spaceport Activities” means activities directed or sponsored by Space Florida on spaceport territory pursuant to its powers and responsibilities under the Space Florida Act.

tangible personal property are exempt from sales tax. This bill would be expanding the area which this sales tax exemption is used.

**B. Private Sector Impact:**

The increase in designated Space Port territory could lead to an increase of growth in the space industry, which could potentially lead to more jobs.

**C. Government Sector Impact:**

The Revenue Estimating Conference met on HB 135, which is identical, and stated it would have a negative recurring fiscal impact of \$100,000 on state funds related to the tax exemption in s. 212.08, F.S.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Community Affairs on March 14, 2013:**  
The Committee Substitute makes a technical change.

**CS by Military and Veterans Affairs, Space, and Domestic Security on March 7, 2013:**  
The Committee Substitute adds the Space Port Commerce Park to area to be designated as a spaceport territory.

**B. Amendments:**

None.