

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 Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 936

INTRODUCER: Committee on Military and Veterans Affairs, Space and Domestic Security and Senator Wright

SUBJECT: Recovery of Space Vehicles

DATE: March 2, 2021 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Caldwell	MS	Fav/CS
2.	_____	_____	CJ	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 936 protects from misuse a spaceflight asset that has fallen to earth. Spaceflight assets include any item or part of an item that is used in spaceflight activities, including launch and reentry. The bill provides that a spaceflight entity retains ownership over a spaceflight asset until the entity expressly abandons ownership of the asset.

The bill prohibits a person to use a spaceflight asset that he or she finds. Instead, the person must report the asset’s location to law enforcement. Then, the law enforcement agency must make a reasonable effort to identify the asset’s owner and promptly notify the owner of any information relevant to recovering the asset.

If a law enforcement officer determines that exigent circumstances require that a spaceflight asset’s owner enter private property to recover the asset, the officer may authorize the entry. Exigent circumstance include, without limitation, a situation in which failure to enter the property would result in immediate danger to public safety or destruction of the asset.

The bill provides that a person who finds a spaceflight asset and knowingly uses it or refuses to surrender it commits a first degree misdemeanor, punishable by imprisonment for 1 year or less and a fine not exceeding \$1,000. Moreover, the person must pay restitution to the owner.

The bill takes effect July 1, 2021.

II. Present Situation:

Spaceflight Assets in Florida

Florida has the second-highest number of aviation and aerospace establishments of any state.¹ It is home to over 17,144 aerospace-related companies and more than 130,000 aerospace-related employees.²

As a result of the high number of space operations launching from and returning to the state, spaceflight assets often return to the land or water within the state.³ These items can be incredibly valuable and can even contain national security secrets or trade secrets.

Protecting these items from misuse is a more pressing concern now than in prior decades, and companies are increasingly interested in reusing spaceflight assets:

Historically, most of a rocket's discarded parts were left to fall back down to Earth and burn up in the atmosphere. But starting in the 1980s with NASA's space shuttle, engineers designed rocket parts that could be recovered and reused. Private companies including SpaceX and Blue Origin are even building rockets with first stages that return to Earth and land themselves. The more that a rocket's parts can be reused, the cheaper rocket launches can get.⁴

Theft

The Florida Statutes do not include the crime of “misappropriation of a spaceflight asset.” However, the crime of theft covers the misappropriation of property, which could include spaceflight assets.

The Florida Statutes define theft as follows:

- A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:
 - Deprive the other person of a right to the property or a benefit from the property; or
 - Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.⁵

In terms of severity, the two main categories of theft are grand theft and petit theft.⁶

¹ Space Florida, *Why Florida + Facts and Figures*, <https://www.spaceflorida.gov/>, (last visited Feb. 25, 2021).

² *Id.*

³ See generally, Michael Greshko, National Geographic, *Rockets and rocket launches, explained*, Jan. 4, 2019, available at <https://www.nationalgeographic.com/science/article/rockets-and-rocket-launches-explained>.

⁴ *Id.*

⁵ Section 812.014(1), F.S.

⁶ See s. 812.014(2) and (3), F.S.

Grand Theft

Grand theft is a felony of the first, second, or third degree, depending on the value of the item stolen.⁷ The value range for each degree and the corresponding punishments are set forth in this chart:

Degrees of Grand Theft		
First Degree	\$100,000 or more ⁸	Imprisonment for 30 years or less and a fine of \$10,000 or less ⁹
Second Degree	\$20,000 or more, but less than \$100,000 ¹⁰	Imprisonment for 15 years or less and a fine of \$10,000 or less ¹¹
Third Degree	\$750 or more, but less than \$20,000 ¹²	Imprisonment for 5 years or less and a fine of \$5,000 or less ¹³

In some cases, the punishments may be more severe than those set forth in the above chart, such as in the case of a “habitual offender.”¹⁴

Petit Theft

Petit theft is a misdemeanor of the first or second degree, depending on the value of the item stolen or the number of prior offenses.¹⁵ A theft of an item valued at \$100 or more, but less than \$750, is first degree petit theft.¹⁶ A person commits a petit theft of the second degree when he or she commits a theft that does not meet the criteria of any of the other degrees of theft set forth in statute.¹⁷

A second degree misdemeanor is punishable by imprisonment for 1 year or less and a fine of \$1,500 or less.¹⁸ A second degree misdemeanor is punishable by imprisonment for 60 days or less and a fine of \$500 or less.¹⁹

Law Enforcement Officers

The Florida Statutes define “law enforcement officer” to mean a person whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic, or highway laws of the state, and is:

⁷ Section 812.014(2), F.S. The degree of grand theft can also be determined by other circumstances, such as the nature of the item or the circumstances of the theft. *Id.*

⁸ Section 812.014(2)(a), F.S.

⁹ Sections 775.082(3)(b) and 775.083(1)(b), F.S.

¹⁰ Section 812.014(2)(b), F.S.

¹¹ Sections 775.082(3)(d) and 775.083(1)(b), F.S.

¹² Section 812.014(2)(c), F.S.

¹³ Section 775.082 and 775.083(1)(c), F.S.

¹⁴ *See s. 775.084*, F.S.

¹⁵ *See s. 812.014(2)(e) and (3)(a)*, F.S.

¹⁶ Section 812.014(2)(e), F.S.

¹⁷ Section 812.014(3)(a), F.S.

¹⁸ Sections 775.082(4)(a) and 775.083(1)(d), F.S.

¹⁹ Sections 775.082(4)(b) and 775.083(1)(e), F.S.

- Elected, appointed, or employed full time by the state, a county or other subdivision of the state, or a municipality; and
- Vested with authority to bear arms and make arrests.²⁰

The term includes “certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of law enforcement officers, including part time and auxiliary officers.”²¹ However, “support personnel” are expressly excluded from the definition.²²

III. Effect of Proposed Changes:

The bill protects from misuse a spaceflight asset that has fallen to earth. Spaceflight assets include any item or part of an item that is used in spaceflight activities, including launch and reentry. The bill provides that a spaceflight entity retains ownership over a spaceflight asset until the entity expressly abandons ownership of the asset.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

²⁰ Section 943.10(1), F.S.

²¹ *Id.*

²² *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact as the bill helps safeguard expensive spaceflight assets from theft, including theft of proprietary technology and intellectual property that could be discovered by examining a spaceflight asset.

C. Government Sector Impact:

The bill may have a positive fiscal impact as the bill protects expensive spaceflight assets from theft and, in turn, eliminates the need to expend resources tracking down a stolen asset.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 331.501 and creates section 331.502 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on March 1, 2021:

The committee substitute:

- Protects all “spaceflight assets,” instead of protecting only a space vehicle and its parts;
- Defines spaceflight asset to include anything involved in the launch, orbit, or reentry of a spacecraft;
- Provides that the owner of a spaceflight asset retains ownership over the asset until the entity expressly abandons it;
- Removes the bill’s authorization for law enforcement to require a person who finds a spaceflight asset to bring it to the owner or to the law enforcement agency;
- Creates the crime of “misappropriation of a spaceflight asset,” a first degree misdemeanor;
- Describes misappropriation of a spaceflight asset as appropriating a spaceflight asset to that person’s use or the use of another, or as the refusal to surrender the asset to a law enforcement officer or the asset’s owner upon command; and
- Requires a court to order a person guilty of misappropriation of a spaceflight asset to pay restitution to the asset’s owner for any damage the person caused.

B. Amendments:

None.