

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: SB 936

INTRODUCER: Senator Wright

SUBJECT: Recovery of Space Vehicles

DATE: February 26, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Caldwell	MS	Pre-meeting
2.			CJ	
3.			AP	

I. Summary:

SB 936 protects from misuse a space vehicle, including any part of it, that has fallen to earth.

The bill prohibits a person to use a space vehicle that he or she finds. Instead, the person must report the vehicle's location to law enforcement. If a law enforcement officer directs a person to bring the vehicle to the officer or to the vehicle's owner, the person must do so. Failure to do so is theft, as is any use of the space vehicle by the person who finds it. Depending on the value of the space vehicle or part, the theft is punishable by imprisonment of 30 years or less and a fine not exceeding \$10,000.

A law enforcement officer may require a person to surrender a space vehicle that the person wrongfully possesses. Moreover, a law enforcement officer may take a space vehicle into custody if it is on public property. When a law enforcement officer takes a space vehicle into custody, he or she must make a reasonable effort to ascertain the owner and notify that person or entity.

A person who obstructs an officer carrying out these duties commits a second degree misdemeanor, punishable by imprisonment of 60 days or less and a fine not exceeding \$500.

The spaceflight entity that owns a recovered space vehicle must reimburse a law enforcement agency for the costs incurred in transporting and storing the space vehicle.

The bill takes effect July 1, 2021.

II. Present Situation:

Space Vehicles 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, space vehicles or their parts often can 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 space vehicles:

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 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 space vehicle, including any part of it, that has returned to earth.

The bill prohibits a person to use a space vehicle that he or she finds. Instead, the person must report the vehicle’s location to law enforcement. If a law enforcement officer directs a person to bring the vehicle to the officer or to the vehicle’s owner, the person must do so. Failure to do so is theft, as is any use of the space vehicle by the person who finds it. Depending on the value of the space vehicle or part, the theft is punishable by imprisonment of 30 years or less and a fine not exceeding \$10,000.

A law enforcement officer may require a person to surrender a space vehicle that the person wrongfully possesses. Moreover, a law enforcement officer may take a space vehicle into custody if it is on public property. When a law enforcement officer takes a space vehicle into custody, he or she must make a reasonable effort to ascertain the owner and notify that person.

A person who obstructs an officer carrying out these duties commits a second degree misdemeanor, punishable by imprisonment of 60 days or less, and a fine not exceeding \$500.

The spaceflight entity that owns a recovered space vehicle must reimburse a law enforcement agency for the costs incurred in transporting and storing the space vehicle.

The bill takes effect July 1, 2021.

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 space vehicles from theft, including theft of proprietary technology and intellectual property that could be discovered by examining a space vehicle.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

The bill states that a person who finds a space vehicle must report its description and location to a law enforcement officer. However, the bill does not provide any recourse against a person who does not do so. Similarly, the bill states that a spaceflight entity must reimburse a law enforcement agency for the costs of recovering a space vehicle, but the bill does not provide recourse in the event of a failure to reimburse the agency. Finally, the bill states that a law enforcement agency must keep a recovered space vehicle in custody until it can be returned to its owner, but provides no penalty for an agency's failure to carry out this directive.

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
