

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 577 Spaceport Territory
SPONSOR(S): Commerce Committee, Griffiths and others
TIED BILLS: IDEN./SIM. BILLS: SB 968

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	13 Y, 0 N	Thompson	Anstead
2) Local Administration, Federal Affairs & Special Districts Subcommittee	15 Y, 0 N	Mwakyanjala	Darden
3) Commerce Committee	17 Y, 0 N, As CS	Thompson	Hamon

SUMMARY ANALYSIS

Space Florida is an independent special district, a body politic and corporate, and a subdivision of the state, and is the point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector. Space Florida is authorized to purchase or construct facilities, set rates, fees, and charges for the use of facilities, and undertake joint financing with municipalities or private sector entities for any project. Space Florida's ability to develop spaceport infrastructure is statutorily limited to geographic areas called spaceport territories.

The following properties constitute "spaceport territory:"

- Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; or John F. Kennedy Space Center. The territory consisting of areas within the John F. Kennedy Space Center and the Cape Canaveral Space Force Station may be referred to as the "Cape Canaveral Spaceport."
- Certain real property located in Santa Rosa, Okaloosa, Gulf, and Walton Counties which is included within the 1997 boundaries of Eglin Air Force Base.
- Certain real property located in Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center.
- Real property within the state which is a spaceport licensed by the Federal Aviation Administration, as designated by the board of directors of Space Florida.
- Certain real property located in Brevard County which is included within the boundaries of Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.

Currently, Homestead Air Reserve Base and Tyndal Air Force Base are not designated in Florida Statute as "spaceport territory."

The bill designates certain real property located in the following areas, as spaceport territory:

- Miami-Dade County, which was formerly included within the boundaries of Homestead Air Force Base and is included within the boundaries of Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead.
- Bay County, which is included within the boundaries of Tyndall Air Force Base.

The bill does not appear to have a negative fiscal impact on state or local government, or the private sector.

The effective date of the bill is July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Commercial Space Industry

The commercial space transportation industry emerged in the 1990s and was primarily used to launch commercial satellites and transport cargo to the International Space Station (ISS). In just the last few years, growing interest in commercial space is realizing new possibilities for the industry including providing transportation to the ISS, laboratories for research, and space tourism. This rapidly growing industry is inspiring scientists, engineers, teachers, and a whole generation, to imagine entirely new possibilities for the future of space.¹

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.² The Commercial Space Launch Act of 1984 authorizes the FAA to establish licensing and regulatory requirements for launch vehicles, launch sites, and reusable suborbital rockets.³ The FAA's launch regulations and licensing procedures apply to all commercial launches taking place within U.S. territory 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.⁴

Spaceports in Florida

Currently, Florida has two federally owned and operated spaceports and four FAA licensed spaceports. The spaceports, operator or licensure body, and launch type include:⁵

- Cape Canaveral Space Force Station, operated by U.S. Space Force, Vertical and Horizontal.
- Kennedy Space Center, operated by the National Aeronautics and Space Administration (NASA), Vertical and Horizontal.
- Space Florida Launch Complex 46, FAA, Vertical.
- Space Florida Launch and Landing Facility, FAA, Horizontal and Orbital Reentry.
- Cecil Air and Space Port, FAA, Horizontal.
- Space Coast Regional Airport, FAA, Horizontal.

Spaceport Territory

Currently, the following properties constitute spaceport territory under Florida law:⁶

- Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; or John F. Kennedy Space Center. The territory consisting of areas within the John F. Kennedy Space Center and the Cape Canaveral Space Force Station may be referred to as the "Cape Canaveral Spaceport."
- Certain real property located in Santa Rosa, Okaloosa, Gulf, and Walton Counties which is included within the 1997 boundaries of Eglin Air Force Base.

¹ U.S. Department of Transportation, *Federal Aviation Administration*, [https://www.faa.gov/space#:~:text=The%20commercial%20space%20transportation%20industry,International%20Space%20Station%20\(ISS\)](https://www.faa.gov/space#:~:text=The%20commercial%20space%20transportation%20industry,International%20Space%20Station%20(ISS)) (last visited Jan. 10, 2024).

² 14 C.F.R. s. 401.1-401.3.

³ 51 U.S.C. Ch. 509, §§ 50901-23.

⁴ The FAA also exempts certain classes of small rockets from licensure. See 14 C.F.R. § 400.2.

⁵ Federal Aviation Administration, *Spaceports by State*, https://www.faa.gov/space/spaceports_by_state (last visited Jan. 10, 2024).

⁶ S. 331.304, F.S.

- Certain real property located in Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center.
- Real property within the state which is a spaceport licensed by the Federal Aviation Administration, as designated by the board of directors of Space Florida.
- Certain real property located in Brevard County which is included within the boundaries of Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.

Space Florida

Space Florida is established as an independent special district, a body politic and corporate, and a subdivision of the state, to foster the growth and development of a sustainable and world-leading aerospace industry in the state. Space Florida has all the powers, rights, privileges, and authority as provided under the laws of this state.⁷

Space Florida acts as Florida's point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector.⁸ Space Florida is authorized to purchase or construct facilities, set rates, fees, and charges for the use of facilities, and undertake joint financing with municipalities or private sector entities for any project.⁹ Space Florida's ability to develop spaceport infrastructure is statutorily limited to geographic areas called spaceport territories.

Space Florida is authorized to exercise the following powers regarding spaceport territory:

- Own, acquire, construct, reconstruct, equip, operate, maintain, extend, or improve transportation facilities appropriate to meet the transportation requirements of Space Florida and activities conducted within spaceport territory.¹⁰
- Own, acquire, construct, reconstruct, equip, operate, maintain, extend, or improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, transmission lines and related facilities and plants and facilities for the generation and transmission of power through traditional and new and experimental sources of power and energy; purchase electric power, natural gas, and other sources of power for distribution within any spaceport territory.¹¹
- Designate, set aside, and maintain lands and areas within or without the territorial limits of any spaceport territory as conservation areas or bird and wildlife sanctuaries.¹²
- Establish a program for the control, abatement, and elimination of mosquitoes and other noxious insects, rodents, reptiles, and other pests throughout the spaceport territory.¹³
- Own, acquire, construct, reconstruct, equip, maintain, operate, extend, and improve public safety facilities for the spaceport, including security stations, security vehicles, fire stations, water mains and plugs, and fire trucks and other vehicles and equipment; hire employees, security officers, and firefighters; and undertake such works and construct such facilities determined by the board to be necessary or desirable to promote and ensure public safety within the spaceport territory.¹⁴
- Own, acquire, construct, develop, create, maintain, equip, extend, improve, reconstruct, and operate its projects within the geographical limits of the spaceport territory. This includes any portions of the spaceport territory located inside the boundaries of any incorporated municipality or other political subdivision.¹⁵
- Within the territorial limits of any spaceport territory, acquire, through purchase or interagency agreement, or as otherwise provided in law, construct, control, and maintain, roads, connections

⁷ S. 331.302, F.S.

⁸ S. 331.3011, F.S.

⁹ S. 331.305, F.S.

¹⁰ S. 331.305(12), F.S.

¹¹ S. 331.305(13), F.S.

¹² S. 331.305(14), F.S.

¹³ S. 331.305(15), F.S.

¹⁴ S. 331.305(17), F.S.

¹⁵ S. 331.312, F.S.

and extensions that it deems necessary in accordance with established highway safety standards.¹⁶

Space Florida is required to regularly solicit input on Space Florida plans and activities from the aerospace industry, private sector spaceport territory stakeholders, each entity that owns or has ownership interest in a facility within spaceport territory, and other political subdivisions within spaceport territory.¹⁷

The Space Florida board of directors is authorized to take the following actions regarding comprehensive planning within spaceport territory:¹⁸

- Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the Space Florida Act, and consistent with the applicable county or municipal comprehensive plans.
- Prohibit within the spaceport territory the construction, alteration, repair, removal, or demolition, or the commencement of the construction, alteration, repair (except emergency repairs), removal, or demolition, of any building or structure, including, but not by way of limitation, public utility poles, lines, pipes, and facilities, without first obtaining a permit from the board or such other officer or agency as the board may designate, and prescribe the procedure with respect to the obtaining of such permit.
- Divide spaceport territory into zones or districts of such number, shape, and area as the board may deem best suited to carry out the purposes of the Space Florida Act, and make certain regulations and restrictions.¹⁹

The Space Florida board of directors is authorized to enter into contracts and agreements with municipalities located within a spaceport territory to help ensure effective cooperation and coordination in:²⁰

- Discharging their common functions, powers, and duties; and
- Rendering services to the respective residents and property owners.

Space Florida is authorized to apply to the Federal Government for a grant allowing the designation of any spaceport territory as a foreign trade zone pursuant to ss. 288.36 and 288.37, F.S. However, the designation of any spaceport territory as a foreign trade zone does not authorize an exemption from any tax imposed by the state or by any political subdivision, agency, or instrumentality.²¹

The Space Florida board of directors is authorized to strike out or correct the description of any land within or claimed to be within the boundary lines of any spaceport territory upon the written consent of the owners of all the land that would be included or excluded from the boundary lines of any spaceport territory or otherwise affected by the taking of such action, and of the owners of not less than the majority in acreage of all lands within any spaceport territory.²²

Homestead Air Reserve Base and Tyndall Air Force Base

Homestead Air Reserve Base is an Air Force Reserve base and combat unit in Homestead, Florida, located about 25 miles south of Miami. It is home to the 482nd Fighter Wing of the Air Force Reserve Command's Tenth Air Force, as well as the headquarters of Special Operations Command South. This wing has 1,600 members in addition to the 1,200 reservists. This combat unit supplies General Dynamics F-16 Fighting Falcon fighter aircraft, along with mission ready pilots and support personnel,

¹⁶ S. 331.313, F.S.

¹⁷ S. 331.3051(11), F.S.

¹⁸ S. 331.319, F.S.

¹⁹ S. 331.320, F.S.

²⁰ S. 331.322, F.S.

²¹ S. 331.327, F.S.

²² S. 331.329, F.S.

for short-notice worldwide deployment. The base is utilized as a staging area for operations and palliation efforts in the southern hemisphere and provides assistance in many natural disasters.²³

Tyndall Air Force Base is located on the Gulf Coast of Florida, 12 miles east of Panama City in Bay County. Tyndall is home to the 325th Fighter Wing, which provides training for F-22 Raptor pilots, maintenance personnel, and battle managers for the combat faction of the Air Force. The 325th Fighter Wing also provides training for F-22 intelligence officers, F-22 crew members, and officer and enlisted air traffic controllers. The Fighter Wing hosts over 30 tenant organizations which are located on base. The 325th Fighter Wing is comprised of the Operations Group, Maintenance Group, Mission Support Group and the Medical Group, and tenant groups.²⁴

Currently, Homestead Air Reserve Base and Tyndal Air Force Base are not designated in Florida Statute as spaceport territories.

According to representatives of the aerospace industry, expansion of Florida's aerospace capabilities and infrastructure is needed in order to accommodate the industry's rapid growth.²⁵

Effect of Proposed Changes

The bill designates certain real property in the following areas, as spaceport territory:

- Miami-Dade County, which was formerly included within the boundaries of Homestead Air Force Base and is included within the boundaries of Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead. Homestead Air Force Base refers to and includes:
 - Federal property that is part of Homestead Air Reserve Base; and
 - Former federal property that was previously part of Homestead Air Force Base and, as of July 1, 2024, or any time thereafter, is deeded to Miami-Dade County or the City of Homestead.
- Bay County, which is included within the boundaries of Tyndall Air Force Base.

B. SECTION DIRECTORY:

Section 1: Amends s. 331.304, F.S., relating to spaceport territory.

Section 2: Creates an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

²³ MILITARYBASES.com, *Homestead Air Reserve Base in Miami, FL*, <https://militarybases.com/florida/homestead/> (last visited Jan. 10, 2024).

²⁴ MILITARYBASES.com, *Tyndall Air Force Base in Panama City, FL*, <https://militarybases.com/florida/tyndall/> (last visited Jan. 10, 2024).

²⁵ Caden DeLisa, *SpaceX, Blue Origin urge Florida lawmakers for aerospace sector support*, *The CAPITOLIST* (Nov. 16, 2023), <https://thecapitolist.com/spacex-blue-origin-urge-florida-lawmakers-for-aerospace-sector-support/> (last visited Jan. 10, 2024).

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Including additional bases in Florida's spaceport territory system may expand the development of the state's aerospace industry, and have a positive fiscal impact on individuals and businesses in the private sector and related entities in the public sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 8, 2024, the Commerce Committee considered the bill, adopted one amendment, and reported the bill favorably as a committee substitute. The amendment adds clarifying language regarding the location of Homestead Airforce Base.

This analysis is drafted to the committee substitute adopted by the Commerce Committee.