State Infrastructure Council

MEETING PACKET

Tuesday, April 18, 2006
4:00 pm – 6:00 pm
404 House Office Building

REVISED

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

State Infrastructure Council

Start Date and Time:	Tuesday, April 18, 2006 04:00 pm
End Date and Time:	Tuesday, April 18, 2006 06:00 pm
Location:	404 HOB
Duration:	2.00 hrs

Consideration of the following bill(s):

HB 683 CS Growth Management by Traviesa
HB 905 CS Transportation Concurrency Management by Goodlette
HB 989 CS Motor Fuel Taxes by Detert
HB 1465 CS Speed Limit Enforcement on State Roads by Altman
HB 1489 CS State's Aerospace Industry by Waters
HB 1583 CS Community Redevelopment by Davis, M.
HB 1589 CS Specialty License Plates by Smith
HB 7031 CS Department of State by Tourism Committee
HB 7253 Growth Management by Growth Management Committee

Workshop on the following:

HB 949 CS Municipalities by Arza

NOTICE FINALIZED on 04/14/2006 14:51 by DUNAWAY.JOYCE

The Florida House of Representatives

State Infrastructure Council

Allan G. Bense
Speaker

David D. Russell, Jr.
Chair

AGENDA
April 18, 2006
4:00 pm – 6:00 pm
404 House Office Building

I. Opening Remarks, Chair Dave Russell

II. Consideration of the following bills:

- **CS/HB 683 by Rep. Traviesa – Growth Management**
- **CS/HB 905 by Rep. Goodlette – Transportation Concurrency Management**
- **CS/HB 989 by Rep. Detert – Motor Fuel Taxes**
- **CS/HB 1465 by Rep. Altman – Speed Limit Enforcement on State Roads**
- **CS/HB 1489 by Rep. Waters – State's Aerospace Industry**
- **CS/HB 1583 by Rep. M. Davis – Community Redevelopment**
- **CS/HB 1589 by Rep. Smith – Specialty License Plates**
- **HB 7031 by Tourism Committee – Department of State**
- **HB 7253 by Growth Management Committee – Growth Management**

III. Workshop on the following bill:

- **CS/HB 949 by Rep. Arza - Municipalities**

IV. Closing Remarks, Chair Russell

V. Adjourn

303 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300
(850) 414-9786

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 683 CS Growth Management
SPONSOR(S): Traviesa
TIED BILLS: **IDEN./SIM. BILLS:** SB 1020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N, w/CS	Strickland	Hamby
2) Growth Management Committee	9 Y, 0 N, w/CS	Strickland	Grayson
3) Transportation & Economic Development Appropriations Committee	16 Y, 1 N	McAuliffe	Gordon
4) State Infrastructure Council		Strickland BS	Havlicak RH
5)			

SUMMARY ANALYSIS

HB 683 w/CS makes several changes to existing law governing developments of regional impact (DRI). The bill:

- Makes revisions to current statutory law relating to a binding letter determination made by the Department of Community Affairs (DCA);
- Makes various revisions and additions to the existing statutory law pertaining to development orders and permits issued by local governments;
- Revises the definition of an "essentially built-out development;"
- Provides bonuses for a developer providing a certain level of affordable housing;
- Revises the criteria under which a proposed change is presumed to create a substantial deviation requiring further review;
- Requires that notice of certain changes be given to DCA, the appropriate regional planning agency, and local government, and requires that a memorandum of notice of certain changes be filed with the clerk of court;
- Revises the period of time for notice and a public hearing after a change to a development order;
- Revises statutory exemptions to the DRI process;
- Expressly removes marina and port facilities from DRI review;
- Revises how certain statewide guidelines and standards are applied to determine whether a development must undergo DRI review;
- Revises existing law pertaining to consistency challenges made to a DRI development order;
- Revises the vested rights and duties as they relate to provisions of this bill; and
- Amends the legislative findings and the definition of "recreational and commercial working waterfronts."

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill streamlines aspects of the development of regional impact (DRI) process, thereby reducing responsibilities for governmental and private organizations.

Safeguard individual liberty - The bill reduces government oversight of some activities presently reviewed as DRIs, and thereby increases the options of individuals regarding the conduct of their own affairs.

B. EFFECT OF PROPOSED CHANGES:

Background

Section 380.06, F.S., governs the DRI program and establishes the basic process for DRI review. The DRI program is a vehicle that provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county. For those land uses that are subject to review, numerical threshold guidelines are identified in s. 380.0651, F.S., and Chapter 28-24, F.A.C. Examples of the land uses for which guidelines are established include:

- airports;
- attractions and recreational facilities;
- industrial plants and industrial parks;
- office parks;
- port facilities, including marinas;
- hotel or motel development;
- retail and service development;
- recreational vehicle development;
- multi-use development;
- residential development; and
- schools.

The DRI review process involves the regional review of proposed developments meeting the defined thresholds by the regional planning councils to determine the extent to which:

- The development will have a favorable or unfavorable impact on state or regional resources or facilities;

- The development will significantly impact adjacent jurisdictions; and

- The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

Percentage thresholds, as defined in s. 380.06(2)(d), F.S., are applied to the guidelines and standards. These fixed thresholds provide that if a development is at or below 100 percent of all numerical thresholds in the guidelines, the project is not required to undergo DRI review. If a development is at or above 120 percent of the guidelines, it is required to undergo DRI review. A rebuttable presumption is established whereby a development at 100 percent of a numerical threshold, or between 100-120 percent of a numerical threshold, is presumed to require DRI review.

If there is a concern over whether a particular development is subject to DRI review, the developer may request a determination from the DCA. DCA or the local government with jurisdiction over the land to be used for the proposed development may require a developer to obtain a binding letter of interpretation if the development is at a presumptive threshold or up to 20 percent above the established numerical threshold. Any other local government may petition DCA to require a binding letter of interpretation for a development located in an adjacent jurisdiction if the petition contains sufficient facts to find that the development as proposed constitutes a DRI.

Under s. 380.06(19), F.S., any proposed change to a previously approved DRI which creates a reasonable likelihood of additional regional impact or any type of regional impact, resulting from a change not previously reviewed by the regional planning council, constitutes a "substantial deviation" that subjects the development to further DRI review and entry of a new or amended local development order. Section 380.06(19), F.S., provides that a proposed change to a previously approved DRI which, either individually or cumulatively with other changes, exceeds specified criteria constitutes a substantial deviation and is subject to further DRI review.

The extension of the date of buildout of a development, or any phase thereof, of 5 years or more but less than 7 years is presumed not to create a substantial deviation. However, the extension of buildout by 7 or more years is presumed to create a substantial deviation and is subject to further DRI review. However, this presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government. When calculating whether a buildout date has been exceeded, time is tolled during the pendency of administrative or judicial proceedings relating to development permits.

Marinas

In 2002, the Legislature created an exemption for marinas from DRI review. This exempting occurs if the local government has adopted a boating facility siting plan or policy within its comprehensive plan.

The DCA, in cooperation with the Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, makes available a best practices guide to assist local governments in developing boating facility siting plans. A boating facility siting plan provides a framework for identifying locations that can accommodate boating interests while protecting manatees, seagrass beds, and other marine resources.

Multiuse Developments

Section 380.06(2)(e), F.S., increases the applicable guidelines and standards by 100 percent for multiuse projects in urban central business districts and regional activity centers if the local government's comprehensive plan is in compliance with part II of ch. 163, F.S., and if one land use in the mulituse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. An urban central business district is defined as the urban core area of a municipality with a population of 25,000 or greater which is located within an urbanized area as identified in the 1990 census.[1] Such a district must contain high intensity, high density multi-use development which includes "retail, office, cultural, recreational and entertainment facilities, hotels or motels, or other appropriate industrial activities."[2] A regional activity center is defined as a compact, high intensity, high density multi-use area that is designated appropriate for intensive growth by the local government. It includes the same uses as an urban central business district. [3]

Currently, the individual DRI threshold is increased by 50 percent within an urban central business district or a regional activity center. However, the multiuse DRI threshold within such a district or center enjoys a 100 percent increase.

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[1] Rule 28-24.014(10)(c)1., F.A.C.
[2] Id.
[3] Rule 28-24.014(10)(c)2, F.A.C.

Development Order Appeals

Currently there are two mechanisms by which an appeal may be sought on the grounds that a development order (DO) rendered for a DRI is inconsistent with the comprehensive plan adopted by the local government. The first is to appeal a development order under s.163.3215, F.S., within the circuit court with proper jurisdiction. The second is to appeal a development order under s. 380.06, F.S., to the Florida Land and Water Adjudicatory Commission (FLWAC).

Under existing law (s. 163.3215, F.S.), an "aggrieved or adversely affected party" may bring an appeal to challenge local government's issuance of a development order (an order of local government granting, denying, or granting with conditions, an application for a development permit) as not being consistent with the local comprehensive plan. Appeals of this type are filed in the local circuit court. Existing law also contains another opportunity to appeal the local government's issuance of a development order. Under another section of existing law (s. 380.07, F.S.) the owner, the developer, or the DCA may appeal a development order that relates to a DRI to FLWAC. Further, it is possible for the same development order to be challenged in both the circuit court and FLWAC. In such instances, the two challenge processes may lead to different results causing confusion for all the affected interests.

Effect of Proposed Change

HB 683 w/CS amends existing law and creates new law related to DRI. A DRI by definition is "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county."[4] Specifically, the bill establishes:

- A process for review of DRIs and for the issuance of a DO which details specifics regarding the scope and timing of the development and serves as the authority to commence and complete the development;
- What constitutes a "substantial deviation" of the DO which would necessitate additional review;
- Statutory exemptions that prevent DRI review;
- Statewide guidelines and standards for determining what activities require DRI review; and
- Vested rights and associated duties of the respective parties.

Details of the changes to existing law are outlined below.

Required and Optional Elements of the Comprehensive Plan

The bill provides encouragement for affected local governments to adopt a boating facility siting plan and provides possible eligibility for assistance with creation of the plan from the Florida Coastal Management Program.

Binding Letter and Development Order

The bill amends existing law to allow either a developer or the local government having jurisdiction over a DRI to ask DCA to determine whether the local government may issue permits for development subsequent to the buildout date. The determination may take the form of a formal binding letter or an informal clearance letter. Specifically, the determination is whether the DRI meets criteria newly created in s. 380.06(15)(g)3, F.S., which provides that:

[4] s. 380.06(1), F.S.

- The developer has satisfied all mitigation required in the DO.
- The development is in compliance with all applicable terms and conditions of the DO, except the buildout date; and
- The amount of remaining proposed development is less than 20 percent of any applicable DRI threshold.

This new feature provides for limited development beyond the DRI buildout date when the existing and remaining development meets the criteria.

The bill allows a single-family residential portion of a project to be considered "essentially built out" if:

- All the infrastructure and horizontal development has been completed;
- At least 50 percent of the dwelling units have been completed; and
- More than 80 percent of the lots have been conveyed to third party buyers or to individual builders who own no more than 40 lots at the time of the determination.

The bill allows mobile home portions of a development to be considered "essentially built out" if:

- All the infrastructure and horizontal development has been completed, and
- At least 50 percent of the lots are leased to individual mobile home owners.

The bill amends the following statutory provisions relating to DOs:

- Termination date – Existing law provides that the local government's DO specify a "termination date" before which certain land use changes would not apply to the approved DRI unless a substantial deviation occurs. The bill amends existing law to provide that the DO may not specify that date as being earlier than the "buildout date." s. 380.06(15)(c)3., F.S.
- Notice of proposed change – Existing law provides that the DO may specify the types of changes which would require a substantial deviation determination. The bill amends existing law by extending that language to include a "notice of proposed change." s. 380.06(15)(c)5., F.S.
- Competitive bidding or competitive negotiation – Existing law provides that a local government may require competitive bidding or competitive negotiation where construction or expansion of a public facility is conducted by a nongovernmental developer as a condition of a DO or to mitigate impacts reasonably attributable to the development. The bill amends existing law by removing that discretion and thus disallows local government from requiring competitive bidding. s. 380.06(15)(d)4., F.S.

Substantial Deviations

The bill amends existing law pertaining to the percentage and unit thresholds and provides for a presumption that the activities trigger DRI review. Existing law strictly requires DRI review when percentage and unit thresholds are met or exceeded. The amended percentage and unit thresholds follow.

- Attraction or recreational facility - The bill amends the thresholds to the greater of an increase of 10 percent or 330 parking spaces (from 5 percent or 300 spaces), or an increase to the greater of 10 percent or 1,100 spectators (from 5 percent or 1000 spectators).

- Hospitals – The bill deletes the threshold for hospitals.

- Industrial – The bill amends the threshold to the greater of 10 percent or 35 acres (from 5 percent or 32 acres).

- Mines - The bill amends the threshold to the greater of an increase in the average annual acreage mined by 10 percent or 11acres (from 5 percent or 10 acres) or to the greater of an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons (from 5 percent or 300,000 gallons). It is further amended to the lesser of an increase of the size of the mine by 10 percent or 825 acres (from 5 percent or 750 acres).

- Office development – The bill amends the threshold to the greater of an increase in land area by 10 percent (from 5 percent) or an increase of gross floor area by 10 percent (from 5 percent) or 66,000 square feet (from 60,000).

- Storage capacity for chemical or petroleum storage facilities – The bill deletes the threshold for these facilities.

- Waterport or wet storage – The bill deletes the threshold for waterport or wet storage.

- Dwelling units – The bill amends the threshold to the greater of 10 percent or 55 dwelling units (from 5 percent or 50 dwelling units).

- Workforce housing dwelling units – The bill creates a threshold to the greater of 50 percent or 200 units, provided that 15 percent of the increase in the number of dwelling units is restricted to the construction of workforce housing (affordable to a person who earns less than 150 percent of the area median income).

- Commercial development – The bill amends the threshold to the greater of 55,000 square feet (from 50,000 square feet) of gross floor area; or of parking spaces for customers for 330 cars (from 300 cars); or a 10 percent increase (from 5 percent increase) of either of these.

- Hotel or motel rooms – The bill amends the threshold to the greater of an increase in hotel or motel rooms by 10 percent or 83 rooms (from 5 percent or 75 units).

- Recreational vehicle park area – The bill amends the threshold to the lesser of an increase in a recreational vehicle park area by 10 percent (from 5 percent) or 110 vehicle spaces (from 100 vehicle spaces).

- Approved multiuse DRI – The bill amends the threshold to 110 percent (from 100 percent) of the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria.

The bill amends existing law in the following ways relating to presumptions concerning substantial deviations:

- Presumption of a substantial deviation – A presumption of substantial deviation is created by an extension of the buildout date of more than 7 years (from 7 or more years).

- Presumption of no substantial deviation – A presumption of no substantial deviation is created by an extension of the buildout date of more than 5 years (from 5 or more years), but less than 7 years.

- No substantial deviation - An extension of the buildout date of 5 years or less (from less than 5 years) is not a substantial deviation.

The bill establishes that the following changes do not constitute substantial deviations:

- Protected lands -

  - The bill provides that changes that modify boundaries due to science-based refinement of such areas by survey, habitat evaluation, other recognized assessment methodology, or an environmental assessment.

  - The bill provides that this only applies to areas previously set aside for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State.

The bill amends existing law to provide for notice prior to implementation of the types of non substantial deviation changes addressed above. The specific requirements are as follows:

- Notice – The bill does not require the filing of a notice of proposed change, but, requires the local government to follow the locally adopted procedures relating to amending a development order.

- Appellate procedure: After adopting the amended DO, the local government is required to submit the amendment to DCA. DCA may then appeal under certain conditions if it believes the change creates a reasonable likelihood of new or additional regional impacts.

The bill amends existing law as it pertains to proposed changes that require further DRI review as follows:

- Scope of mitigation – The bill amends existing law to limit the scope of mitigation required as a result of a proposed change to a DO. The amended language limits such new mitigation to the individual and cumulative impacts caused only by the proposed change.

- Continuance of development – The bill amends existing law by providing that development within the DRI may continue during the DRI review in those portions of the development which are not "directly" affected by the proposed change.

Statutory Exemptions

The bill amends current DRI exemptions providing that if a use is exempt from review as a DRI under s. 380.06(24), F.S., but is a part of a larger project that is subject to review as a DRI, the impact of the exempt use must be included in the review of the larger project.

- Hospitals – The bill removes the 100 bed capacity limitation; thus providing that all hospitals are exempt.

- Steam or solar electrical generating facility - The bill removes the exception from the statutory exemption of a steam or solar electrical generating facility of less than 50 megawatts in capacity

attached to a DRI from the exemption for proposed electrical transmission lines or electrical power plants.

- Adjacent jurisdictions – The bill amends existing law which allows a DRI exemption for certain proposed development within an urban service area. The amendment changes one of the criteria for the exemption that requires a binding agreement with adjacent jurisdictions and the Department of Transportation (DOT) regarding impacts on state and regional transportation facilities. The amendment changes the requirement so that the binding agreement must be entered into with jurisdictions "that would be impacted" and DOT.

- Petroleum Storage Facility – The bill removes the requirement that a proposed facility for the storage of any petroleum product or expansion of an existing facility be consistent with the local comprehensive plan and with a comprehensive port master plan.

- Waterport and Marina Development – The bill provides an express exemption of waterport and marina development and all criteria pertaining to the current limited exemption is deleted to conform to these changes in the bill.

The bill creates five new exemptions to existing law as follows:

- Self storage warehousing – The bill provides an exemption for any self-storage warehousing that does not allow retail or other services.

- Nursing home or assisted living facility – The bill provides an exemption for any proposed nursing home or assisted living facility.

- Airport master plan – The bill provides an exemption for any development identified in an airport master plan and adopted into the comprehensive plan.

- Campus master plan – The bill provides an exemption for any development identified in a campus master plan and adopted pursuant to s. 1013.30, F.S. (related to campus master plans and campus DOs).

- Specific area plan – The bill provides an exemption for any development in a specific area plan which is prepared pursuant to s. 163.3245, F.S., (related to optional sector plans) and adopted into the comprehensive plan.

Partial Exemptions

The bill creates new law limiting the requirement that three exemptions only will apply if the local government has entered into a binding agreement with DOT and jurisdictions "that would be impacted."

- Urban service boundaries (USB) – The bill provides that if the binding agreement is not entered into within 12 months after establishment of the USB, then DRI review shall address transportation impacts only.

- Rural land stewardship – The bill provides that if the binding agreement is not entered into within 12 months after the designation of a rural land stewardship area, then DRI review shall address transportation impacts only.

- Urban infill and redevelopment area – The bill provides that if the binding agreement is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, then DRI review shall address transportation impacts only.

- Notification to DCA - The bill provides that notification must be submitted by the local government to DCA stating that the local government either does not wish, or has not been able, to enter into a binding agreement within the 12 month period, after which, the DRI within the USB, rural land stewardship areas, or urban infill and redevelopment area must address transportation impacts only.

Statewide Guidelines and Standards

The bill amends existing law addressing how certain statewide guidelines and standards are applied to determine whether a development must undergo DRI review.

- Waterport and Marina Development – The bill expressly provides that waterport and marina development, including dry storage facilities, are exempt from DRI review. All criteria pertaining to the current limited exemption is deleted to conform to these changes in the bill.

- Workforce housing – The bill creates an increased threshold (increased by 50 percent) for residential development and the residential component for multiuse development when the developer demonstrates that at least 15 percent of the residential dwelling units will be dedicated to housing that is affordable to a person who earns less than 150 percent of the area median income, i.e., workforce housing.

Florida Land and Water Adjudicatory Commission (FLWAC)

The bill amends existing law related to challenges of a DO based on consistency to provide the following:

- Consistency challenges – The bill allows the appeal of a DO to FLWAC by DCA to include challenges that the DO is not consistent with the local comprehensive plan. If a challenge to the DO relating to the DRI has been filed under s. 163.3215, F.S., and notice is served on DCA, then the DCA must intervene in that pending proceeding and raise its consistency issues within 30 days after service. Further, DCA must dismiss the consistency issues from its DO appeal to the FLWAC. The filing of the petition stays the effectiveness of the DO until after completion of the appeal process.

Vested Rights and Duties

The bill amends existing law related to the vested rights of DRIs. The amendment makes changes as follows:

- The bill provides that vested rights are not abridged or modified by a change in the DRI guidelines and standards.

- The bill revises the procedures affecting a DRI which is no longer required to undergo DRI review because of a change in the guidelines or standards, or because of a reduction that lowers the development below the thresholds.

- The bill provides that the local government having jurisdiction shall rescind the DO upon a showing by the developer or the landowner that all required mitigation related to the amount that existed on the date of rescission has been completed.

- The bill provides that unless the developer follows this procedure, the DRI continues to be governed by, and may be completed in reliance upon, the DO.

- The bill provides that if an application for development approval, or a notification of proposed change, is pending on the effective date of a change to the guidelines and standards, then the development may elect to continue the DRI review which is governed by the vested rights provision.

Recreational and Commercial Working Waterfronts

The bill amends existing law relating to the legislative findings and the definition of "recreational and commercial working waterfront" in the following ways:

- Legislative findings – The bill amends the findings as follows:
    - The bill expands the statement of important state interest to include "other recreation access" to the state's navigable waters.
    - The bill adds tourism, with a $57 billion annual economic impact, as a vital industry to be protected.
    - The bill adds a statement that by expanding the importance of water access beyond recreational users to include "tourist."
    - The bill adds "public lodging establishments" to those water-dependent support facilities as important state interests to be maintained.
- Definition of "recreational and commercial working waterfront" – The bill adds water-dependent "recreational activities including public lodging establishments as defined in chapter 509" to the definition.
- Tax Deferral – The bill adds "public lodging establishments" to s. 197.303, F.S., to add greater specificity for a local ordinance designating the type of location of working waterfront properties that are eligible for tax deferrals.

C. SECTION DIRECTORY:

Section 1: Amends s. 163.3177, F.S., relating to required and optional elements of comprehensive plans.

Section 2: Amends s. 163.3180, F.S., relating to concurrency.

Section 3: Amends s. 197.303 relating to ad valorem tax deferral for recreational and commercial working waterfront properties.

Section 4: Amends s. 342.07, F.S., relating to recreational and commercial waterfronts.

Section 5: Creates s. 373.4132, F.S., relating to permitting process for dry storage facilities.

Section 6: Amends s. 380.06, F.S., relating to developments of regional impact (DRI).

Section 7: Amends s. 380.0651, F.S., relating to statewide guidelines and standards for determining what development activities must undergo DRI review.

Section 8: Creates s. 380.07, F.S., relating to the Florida Land and Water Adjudicatory Commission.

Section 9: Amends s. 380.115, F.S., relating to vested rights and duties of DRI projects as it relates to the provisions of this bill taking effect.

Section 10: Amends s. 403.813, F.S., relating to exceptions to the required permits at district centers.

Section 11: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

   The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

   The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The development community would benefit from increased thresholds and expanded exemptions from the DRI review process.

D. FISCAL COMMENTS:

No additional fiscal comments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 8, 2006, the Local Government Council adopted a strike-all amendment. The strike-all amendment made changes to the original filed bill as outlined below.

- Biennial Reports:
  - Removes the requirement to submit biennial rather than annual reports.

- Removes the penalty for failure to submit a biennial report.

- Rulemaking: Removes the requirement for DCA to initiate rulemaking by August 1, 2006 to revise the DRI review process.
- Substantial Deviations:
  - Thresholds: Lowers, across the board, the substantial deviation thresholds (which are still slightly higher than those in existing law).
    - Doubles the threshold for marinas under certain circumstances
  - Triggering Time Periods: Changes the time periods relative to triggering a substantial deviation:
    - More than 7 years creates a presumption of a substantial deviation.
    - More than 5 years, but less than 7 years, creates a presumption of no substantial deviation.
    - Five years or less does not constitute a substantial deviation.
  - Activities That Do No Trigger: Removes "internal utility locations" and "internal location of public facilities" as activities that expressly do not constitute substantial deviations.
  - Workforce Housing: Creates a substantial deviation threshold bonus for the provision of workforce housing.
- DRI Exemptions:
  - Restores the term "waterport" in conjunction with marinas as relates to certain exemptions.
  - Removes exceptions from transportation concurrency as a new exemption to DRI review.
- Urban Service Area Binding Agreement:
  - Substitutes language describing what constitutes a statutory exemption; replacing the phrase "jurisdictions that would be impacted" for the phrase "contiguous jurisdiction."
  - Establishes that if local government fails to enter into a binding agreement within 12 months, then the DRI review is limited to transportation issues only. Further, local government must report to DCA such failure to enter a binding agreement.
- Statewide Guidelines and Standards for Determining Whether a Particular Activity Undergoes DRI Review:
  - Restores to existing statutory language the guidelines and standards related to: airports; attractions & recreation facilities; schools; and aggregation.
  - Restores "port facility" in conjunction with marinas related to statewide guidelines and standards.
  - Reestablishes existing law related to spaceport launch facilities and concurrency.
  - Workforce Housing: Creates a bonus against the applicable guidelines for the provision of workforce housing.
- Consistency Challenges: Further revises procedures for consistency challenges to FLWAC.
- Binding Letter:
  - Authorizes local governments in addition to the developer to request a binding letter.
  - Expands DCA's authority to issue a clearance letter to determine whether the amount of development that remains to be built will constitute "essentially built- out."
- Working Waterfront: Adds tourism and its economic impact to the legislative findings; and adds "public lodging establishments" and "recreational activities"; to existing law relating to working waterfronts.

On March 21, 2006, the Growth Management Committee adopted a strike-all amendment. The strike-all amendment made changes to the bill as outlined below.

- "Essentially built out:" Provides additional criteria for a development to be considered "essentially built out."

- Substantial Deviation:
  - Notice: Provides that a notice for changes that do not rise to the level of substantial deviation do not require a "notice of proposed change," but do require an application to the local government to amend the DO in accordance with the local government's procedures.

- Removal of Marinas: Conforms to the removal of marinas from the DRI process by deleting the language pertaining to a substantial deviation triggering further DRI review.
- Science Based Refinements:
  - Provides that the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting the lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final DO.
  - Expands the criteria for which for which land is protected to include the DO for the protection of species protected by 16 U.S.C. ss. 668a-668d.

- DRI Exemptions:
  - Petroleum storage tanks: Removes the requirement that to be exempt from DRI review, any petroleum storage facility must be consistent with a local comprehensive plan or comprehensive port master plan.
  - Waterports and Marina Development: Removes the criteria for the exemption of waterport and marina development from DRI Review to conform to an express exemption of waterport and marina development, including dry storage facilities (provided for in this act).
  - Rural Land Stewardship: Provides for a DRI review of transportation impacts only if the required binding agreement with those jurisdictions impacted and DOT is not reached within the required 12 months (identical to the provisions for urban infill and redevelopment areas & urban service boundaries).

- Statewide Guidelines and Standards for Determining Whether a Particular Activity Undergoes DRI Review:
  - Port Facilities: Removes all standards and guidelines for determining whether port facilities should undergo DRI review to conform to an express exemption from DRI review for waterport and marina development, including dry storage facilities (provided for in this bill).

- Vested Rights and Duties: Provides that any proposed changes to developments that continue to be governed by a DO shall be evaluated by s. 380.06 (19), F.S., as it existed prior to the changes of the guidelines and standards provided for by this bill except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent.

- Permitting of Dry Storage: Provides criteria for the requirement of a permit for the construction, alteration, operation, maintenance, abandonment or removal of a dry storage facility with 10 or more vessels.

- Docks: Provides that private docks of 1,000 sq. ft. or less of over-water surface area in artificially created waterways do not require a permit.

- Adoption of a boating facility siting plan: Provides encouragement for affected local governments to adopt a boating facility siting plan and provides possible eligibility for assistance with creation of the plan from the Florida Coastal Management Program.

- Working Waterfront: Conforms language to reflect changes made by this act relating to working waterfronts.

- Workforce Housing:
  - Substantial Deviation: Provides for an increase in the thresholds for creating a substantial deviation of dwelling units that include affordable housing. Specifically, the amendment provides that the following does not constitute a substantial deviation:
    - To the greater of 50 percent (from 15 percent) or 200 units (from 100 units), provided that 15 percent (from 20 percent) of the increase in the number of dwelling units is restricted to the construction of workforce housing (affordable to a person who earns less than 150 percent (from 120 percent) of the area median income)

- An increase in any number of residential units where all the residential dwelling units are dedicated to workforce housing (150 percent of area median income).

- Statewide Guidelines and Standards: Provides that the applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the residential dwelling units will be dedicated to workforce housing (150 percent of the area median income).

CHAMBER ACTION

1 The Growth Management 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 growth management; amending s.
7 163.3177, F.S.; encouraging local governments to adopt
8 boating facility siting plans; providing criteria and
9 exemptions for such plans; authorizing assistance for the
10 development of such plans; amending s. 163.3180, F.S.;
11 conforming a cross-reference; amending s. 197.303, F.S.;
12 revising the criteria for ad valorem tax deferral for
13 working waterfront properties; including public lodging
14 establishments in the description of working waterfront
15 properties; amending s. 342.07, F.S.; adding recreational
16 activities as an important state interest; including
17 public lodging establishments within the definition of the
18 term "recreational and commercial working waterfront";
19 creating s. 373.4132, F.S.; directing water management
20 district governing boards and the Department of
21 Environmental Protection to require permits for certain
22 activities relating to certain dry storage facilities;
23 providing criteria for application of such permits;

24 preserving regulatory authority for the department and
25 governing boards; amending s. 380.06, F.S.; providing for
26 the state land planning agency to determine the amount of
27 development that remains to be built in certain
28 circumstances; specifying certain requirements for a
29 development order; revising the circumstances in which a
30 local government may issue permits for development
31 subsequent to the buildout date; revising the definition
32 of an essentially built-out development; revising the
33 criteria under which a proposed change constitutes a
34 substantial deviation; clarifying the criteria under which
35 the extension of a buildout date is presumed to create a
36 substantial deviation; requiring that notice of any change
37 to certain set-aside areas be submitted to the local
38 government; requiring that notice of certain changes be
39 given to the state land planning agency, regional planning
40 agency, and local government; revising the statutory
41 exemptions from development-of-regional-impact review for
42 certain facilities; removing waterport and marina
43 developments from development-of-regional-impact review;
44 providing statutory exemptions and partial statutory
45 exemptions for the development of certain facilities;
46 providing that the impacts from an exempt use that will be
47 part of a larger project be included in the development-
48 of-regional-impact review of the larger project; amending
49 s. 380.0651, F.S.; revising the statewide guidelines and
50 standards for development-of-regional-impact review of
51 office developments; deleting such guidelines and

52 standards for port facilities; providing such guidelines
53 and standards for workforce housing; amending s. 380.07,
54 F.S.; revising the appellate procedures for development
55 orders within a development of regional impact to the
56 Florida Land and Water Adjudicatory Commission; amending
57 s. 380.115, F.S.; providing that a change in a
58 development-of-regional-impact guideline and standard does
59 not abridge or modify any vested right or duty under a
60 development order; providing a process for the rescission
61 of a development order by the local government in certain
62 circumstances; providing an exemption for certain
63 applications for development approval and notices of
64 proposed changes; amending s. 403.813, F.S.; revising
65 permitting exceptions for the construction of private
66 docks in certain waterways; providing an effective date.
67
68 Be It Enacted by the Legislature of the State of Florida:
69
70 Section 1. Paragraph (g) of subsection (6) of section
71 163.3177, Florida Statutes, is amended to read:
72 163.3177 Required and optional elements of comprehensive
73 plan; studies and surveys.--
74 (6) In addition to the requirements of subsections (1)-(5)
75 and (12), the comprehensive plan shall include the following
76 elements:
77 (g)1. For those units of local government identified in s.
78 380.24, a coastal management element, appropriately related to
79 the particular requirements of paragraphs (d) and (e) and

80 meeting the requirements of s. 163.3178(2) and (3). The coastal
81 management element shall set forth the policies that shall guide
82 the local government's decisions and program implementation with
83 respect to the following objectives:
84 a.~~1.~~ Maintenance, restoration, and enhancement of the
85 overall quality of the coastal zone environment, including, but
86 not limited to, its amenities and aesthetic values.
87 b.~~2.~~ Continued existence of viable populations of all
88 species of wildlife and marine life.
89 c.~~3.~~ The orderly and balanced utilization and
90 preservation, consistent with sound conservation principles, of
91 all living and nonliving coastal zone resources.
92 d.~~4.~~ Avoidance of irreversible and irretrievable loss of
93 coastal zone resources.
94 e.~~5.~~ Ecological planning principles and assumptions to be
95 used in the determination of suitability and extent of permitted
96 development.
97 f.~~6.~~ Proposed management and regulatory techniques.
98 g.~~7.~~ Limitation of public expenditures that subsidize
99 development in high-hazard coastal areas.
100 h.~~8.~~ Protection of human life against the effects of
101 natural disasters.
102 i.~~9.~~ The orderly development, maintenance, and use of
103 ports identified in s. 403.021(9) to facilitate deepwater
104 commercial navigation and other related activities.
105 j.~~10.~~ Preservation, including sensitive adaptive use of
106 historic and archaeological resources.

107 2. As part of this element, affected local governments are
108 encouraged to adopt a boating facility siting plan or policy
109 that includes applicable criteria and considers such factors as
110 natural resources, manatee protection needs, and recreation and
111 economic demands as generally outlined in the Boat Facility
112 Siting Guide dated August 2000 and prepared by the Bureau of
113 Protected Species Management of the Fish and Wildlife
114 Conservation Commission. A comprehensive plan that adopts a
115 boating facility siting plan or policy is exempt from the
116 provisions of s. 163.3187(1). Local governments that wish to
117 adopt a boating facility siting plan or policy may be eligible
118 for assistance with the development of a plan or policy through
119 the Florida Coastal Management Program.
120 Section 2. Paragraph (a) of subsection (12) of section
121 163.3180, Florida Statutes, is amended to read:
122 163.3180 Concurrency.--
123 (12) When authorized by a local comprehensive plan, a
124 multiuse development of regional impact may satisfy the
125 transportation concurrency requirements of the local
126 comprehensive plan, the local government's concurrency
127 management system, and s. 380.06 by payment of a proportionate-
128 share contribution for local and regionally significant traffic
129 impacts, if:
130 (a) The development of regional impact meets or exceeds
131 the guidelines and standards of s. 380.0651(3)(h) ~~(i)~~ and rule
132 28-24.032(2), Florida Administrative Code, and includes a
133 residential component that contains at least 100 residential

134 dwelling units or 15 percent of the applicable residential
135 guideline and standard, whichever is greater;
136
137 The proportionate-share contribution may be applied to any
138 transportation facility to satisfy the provisions of this
139 subsection and the local comprehensive plan, but, for the
140 purposes of this subsection, the amount of the proportionate-
141 share contribution shall be calculated based upon the cumulative
142 number of trips from the proposed development expected to reach
143 roadways during the peak hour from the complete buildout of a
144 stage or phase being approved, divided by the change in the peak
145 hour maximum service volume of roadways resulting from
146 construction of an improvement necessary to maintain the adopted
147 level of service, multiplied by the construction cost, at the
148 time of developer payment, of the improvement necessary to
149 maintain the adopted level of service. For purposes of this
150 subsection, "construction cost" includes all associated costs of
151 the improvement.
152 Section 3. Subsection (3) of section 197.303, Florida
153 Statutes, is amended to read:
154 197.303 Ad valorem tax deferral for recreational and
155 commercial working waterfront properties.--
156 (3) The ordinance shall designate the <u>percentage or amount</u>
157 <u>of the deferral and the</u> type and location of working waterfront
158 property<u>, including the type of public lodging establishments,</u>
159 for which deferrals may be granted, which may include any
160 property meeting the provisions of s. 342.07(2), which property

161 may be further required to be located within a particular
162 geographic area or areas of the county or municipality.
163 Section 4. Section 342.07, Florida Statutes, is amended to
164 read:
165 342.07 Recreational and commercial working waterfronts;
166 legislative findings; definitions.--
167 (1) The Legislature recognizes that there is an important
168 state interest in facilitating boating and other recreational
169 access to the state's navigable waters. This access is vital to
170 tourists and recreational users and the marine industry in the
171 state, to maintaining or enhancing the $57 billion economic
172 impact of tourism and the $14 billion economic impact of boating
173 in the state annually, and to ensuring continued access to all
174 residents and visitors to the navigable waters of the state. The
175 Legislature recognizes that there is an important state interest
176 in maintaining viable water-dependent support facilities, such
177 as public lodging establishments and boat hauling and repairing
178 and commercial fishing facilities, and in maintaining the
179 availability of public access to the navigable waters of the
180 state. The Legislature further recognizes that the waterways of
181 the state are important for engaging in commerce and the
182 transportation of goods and people upon such waterways and that
183 such commerce and transportation is not feasible unless there is
184 access to and from the navigable waters of the state through
185 recreational and commercial working waterfronts.
186 (2) As used in this section, the term "recreational and
187 commercial working waterfront" means a parcel or parcels of real
188 property that provide access for water-dependent commercial and

189 recreational activities, including public lodging establishments
190 as defined in chapter 509, or provide access for the public to
191 the navigable waters of the state. Recreational and commercial
192 working waterfronts require direct access to or a location on,
193 over, or adjacent to a navigable body of water. The term
194 includes water-dependent facilities that are open to the public
195 and offer public access by vessels to the waters of the state or
196 that are support facilities for recreational, commercial,
197 research, or governmental vessels. These facilities include
198 docks, wharfs, lifts, wet and dry marinas, boat ramps, boat
199 hauling and repair facilities, commercial fishing facilities,
200 boat construction facilities, and other support structures over
201 the water. As used in this section, the term "vessel" has the
202 same meaning as in s. 327.02(37). Seaports are excluded from the
203 definition.
204 Section 5. Section 373.4132, Florida Statutes, is created
205 to read:
206 373.4132 Dry storage facility permitting.--The governing
207 board or the department shall require a permit under this part,
208 including s. 373.4145, for the construction, alteration,
209 operation, maintenance, abandonment, or removal of a dry storage
210 facility for 10 or more vessels that is functionally associated
211 with a boat launching area. As part of an applicant's
212 demonstration that such a facility will not be harmful to the
213 water resources and will not be inconsistent with the overall
214 objectives of the district, the governing board or department
215 shall require the applicant to provide reasonable assurance that
216 the secondary impacts from the facility will not cause adverse

217 impacts to the functions of wetlands and surface waters,
218 including violations of state water quality standards applicable
219 to waters as defined in s. 403.031(13), and will meet the public
220 interest test of s. 373.414(1)(a), including the potential
221 adverse impacts to manatees. Nothing in this section shall
222 affect the authority of the governing board or the department to
223 regulate such secondary impacts under this part for other
224 regulated activities.
225 Section 6. Paragraph (d) of subsection (2), paragraphs (a)
226 and (i) of subsection (4) and subsections (15), (19), and (24)
227 of section 380.06, Florida Statutes, are amended, and subsection
228 (28) is added to that section, to read:
229 380.06 Developments of regional impact.--
230 (2) STATEWIDE GUIDELINES AND STANDARDS.--
231 (d) The guidelines and standards shall be applied as
232 follows:
233 1. Fixed thresholds.--
234 a. A development that is below 100 percent of all
235 numerical thresholds in the guidelines and standards shall not
236 be required to undergo development-of-regional-impact review.
237 b. A development that is at or above 120 percent of any
238 numerical threshold shall be required to undergo development-of-
239 regional-impact review.
240 c. Projects certified under s. 403.973 which create at
241 least 100 jobs and meet the criteria of the Office of Tourism,
242 Trade, and Economic Development as to their impact on an area's
243 economy, employment, and prevailing wage and skill levels that
244 are at or below 100 percent of the numerical thresholds for

245 industrial plants, industrial parks, distribution, warehousing
246 or wholesaling facilities, office development or multiuse
247 projects other than residential, as described in s.
248 380.0651(3)(c), (d), and (h) ~~(i)~~, are not required to undergo
249 development-of-regional-impact review.
250 2. Rebuttable presumption.--It shall be presumed that a
251 development that is at 100 percent or between 100 and 120
252 percent of a numerical threshold shall be required to undergo
253 development-of-regional-impact review.
254 (4) BINDING LETTER.--
255 (a) If any developer is in doubt whether his or her
256 proposed development must undergo development-of-regional-impact
257 review under the guidelines and standards, whether his or her
258 rights have vested pursuant to subsection (20), or whether a
259 proposed substantial change to a development of regional impact
260 concerning which rights had previously vested pursuant to
261 subsection (20) would divest such rights, the developer may
262 request a determination from the state land planning agency. The
263 developer or the appropriate local government having
264 jurisdiction may request that the state land planning agency
265 determine whether the amount of development that remains to be
266 built in an approved development of regional impact meets the
267 criteria of subparagraph (15)(g)3.
268 (i) In response to an inquiry from a developer or the
269 appropriate local government having jurisdiction, the state land
270 planning agency may issue an informal determination in the form
271 of a clearance letter as to whether a development is required to
272 undergo development-of-regional-impact review or whether the

273 amount of development that remains to be built in an approved
274 development of regional impact meets the criteria of
275 subparagraph (15)(g)3. A clearance letter may be based solely on
276 the information provided by the developer, and the state land
277 planning agency is not required to conduct an investigation of
278 that information. If any material information provided by the
279 developer is incomplete or inaccurate, the clearance letter is
280 not binding upon the state land planning agency. A clearance
281 letter does not constitute final agency action.
282 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--
283 (a) The appropriate local government shall render a
284 decision on the application within 30 days after the hearing
285 unless an extension is requested by the developer.
286 (b) When possible, local governments shall issue
287 development orders concurrently with any other local permits or
288 development approvals that may be applicable to the proposed
289 development.
290 (c) The development order shall include findings of fact
291 and conclusions of law consistent with subsections (13) and
292 (14). The development order:
293 1. Shall specify the monitoring procedures and the local
294 official responsible for assuring compliance by the developer
295 with the development order.
296 2. Shall establish compliance dates for the development
297 order, including a deadline for commencing physical development
298 and for compliance with conditions of approval or phasing
299 requirements, and shall include a buildout ~~termination~~ date that

300 reasonably reflects the time anticipated ~~required~~ to complete
301 the development.
302 3. Shall establish a date until which the local government
303 agrees that the approved development of regional impact shall
304 not be subject to downzoning, unit density reduction, or
305 intensity reduction, unless the local government can demonstrate
306 that substantial changes in the conditions underlying the
307 approval of the development order have occurred or the
308 development order was based on substantially inaccurate
309 information provided by the developer or that the change is
310 clearly established by local government to be essential to the
311 public health, safety, or welfare. The date established pursuant
312 to this subparagraph shall be no sooner than the buildout date
313 of the project.
314 4. Shall specify the requirements for the biennial report
315 designated under subsection (18), including the date of
316 submission, parties to whom the report is submitted, and
317 contents of the report, based upon the rules adopted by the
318 state land planning agency. Such rules shall specify the scope
319 of any additional local requirements that may be necessary for
320 the report.
321 5. May specify the types of changes to the development
322 which shall require submission for a substantial deviation
323 determination or a notice of proposed change under subsection
324 (19).
325 6. Shall include a legal description of the property.
326 (d) Conditions of a development order that require a
327 developer to contribute land for a public facility or construct,

328 expand, or pay for land acquisition or construction or expansion
329 of a public facility, or portion thereof, shall meet the
330 following criteria:
331 1. The need to construct new facilities or add to the
332 present system of public facilities must be reasonably
333 attributable to the proposed development.
334 2. Any contribution of funds, land, or public facilities
335 required from the developer shall be comparable to the amount of
336 funds, land, or public facilities that the state or the local
337 government would reasonably expect to expend or provide, based
338 on projected costs of comparable projects, to mitigate the
339 impacts reasonably attributable to the proposed development.
340 3. Any funds or lands contributed must be expressly
341 designated and used to mitigate impacts reasonably attributable
342 to the proposed development.
343 4. Construction or expansion of a public facility by a
344 nongovernmental developer as a condition of a development order
345 to mitigate the impacts reasonably attributable to the proposed
346 development is not subject to competitive bidding or competitive
347 negotiation for selection of a contractor or design professional
348 for any part of the construction or design ~~unless required by~~
349 ~~the local government that issues the development order~~.
350 (e)1. ~~Effective July 1, 1986,~~ A local government shall not
351 include, as a development order condition for a development of
352 regional impact, any requirement that a developer contribute or
353 pay for land acquisition or construction or expansion of public
354 facilities or portions thereof unless the local government has
355 enacted a local ordinance which requires other development not

356 subject to this section to contribute its proportionate share of
357 the funds, land, or public facilities necessary to accommodate
358 any impacts having a rational nexus to the proposed development,
359 and the need to construct new facilities or add to the present
360 system of public facilities must be reasonably attributable to
361 the proposed development.
362 2. A local government shall not approve a development of
363 regional impact that does not make adequate provision for the
364 public facilities needed to accommodate the impacts of the
365 proposed development unless the local government includes in the
366 development order a commitment by the local government to
367 provide these facilities consistently with the development
368 schedule approved in the development order; however, a local
369 government's failure to meet the requirements of subparagraph 1.
370 and this subparagraph shall not preclude the issuance of a
371 development order where adequate provision is made by the
372 developer for the public facilities needed to accommodate the
373 impacts of the proposed development. Any funds or lands
374 contributed by a developer must be expressly designated and used
375 to accommodate impacts reasonably attributable to the proposed
376 development.
377 3. The Department of Community Affairs and other state and
378 regional agencies involved in the administration and
379 implementation of this act shall cooperate and work with units
380 of local government in preparing and adopting local impact fee
381 and other contribution ordinances.
382 (f) Notice of the adoption of a development order or the
383 subsequent amendments to an adopted development order shall be

384 recorded by the developer, in accordance with s. 28.222, with
385 the clerk of the circuit court for each county in which the
386 development is located. The notice shall include a legal
387 description of the property covered by the order and shall state
388 which unit of local government adopted the development order,
389 the date of adoption, the date of adoption of any amendments to
390 the development order, the location where the adopted order with
391 any amendments may be examined, and that the development order
392 constitutes a land development regulation applicable to the
393 property. The recording of this notice shall not constitute a
394 lien, cloud, or encumbrance on real property, or actual or
395 constructive notice of any such lien, cloud, or encumbrance.
396 This paragraph applies only to developments initially approved
397 under this section after July 1, 1980.
398 (g) A local government shall not issue permits for
399 development subsequent to the buildout ~~termination date or~~
400 ~~expiration~~ date contained in the development order unless:
401 1. The proposed development has been evaluated
402 cumulatively with existing development under the substantial
403 deviation provisions of subsection (19) subsequent to the
404 termination or expiration date;
405 2. The proposed development is consistent with an
406 abandonment of development order that has been issued in
407 accordance with the provisions of subsection (26); ~~or~~
408 3. The development of regional impact is essentially built
409 out, in that all the mitigation requirements in the development
410 order have been satisfied, all developers are in compliance with
411 all applicable terms and conditions of the development order

412 except the buildout date, and the amount of proposed development
413 that remains to be built is less than 20 percent of any
414 applicable development-of-regional-impact threshold; or
415 4.~~3.~~ The project has been determined to be an essentially
416 built-out development of regional impact through an agreement
417 executed by the developer, the state land planning agency, and
418 the local government, in accordance with s. 380.032, which will
419 establish the terms and conditions under which the development
420 may be continued. If the project is determined to be essentially
421 built out ~~built-out~~, development may proceed pursuant to the s.
422 380.032 agreement after the termination or expiration date
423 contained in the development order without further development-
424 of-regional-impact review subject to the local government
425 comprehensive plan and land development regulations or subject
426 to a modified development-of-regional-impact analysis. As used
427 in this paragraph, an "essentially built-out" development of
428 regional impact means:
429 a. The developers are ~~development is~~ in compliance with
430 all applicable terms and conditions of the development order
431 except the buildout ~~built-out~~ date; and
432 b.(I) The amount of development that remains to be built
433 is less than the substantial deviation threshold specified in
434 paragraph (19)(b) for each individual land use category, or, for
435 a multiuse development, the sum total of all unbuilt land uses
436 as a percentage of the applicable substantial deviation
437 threshold is equal to or less than 100 percent; or
438 (II) The state land planning agency and the local
439 government have agreed in writing that the amount of development

440 to be built does not create the likelihood of any additional
441 regional impact not previously reviewed.
442 (h) The single-family residential portions of a
443 development may be considered "essentially built out" if all of
444 the infrastructure and horizontal development have been
445 completed, at least 50 percent of the dwelling units have been
446 completed, and more than 80 percent of the lots have been
447 conveyed to third-party individual lot owners or to individual
448 builders who own no more than 40 lots at the time of the
449 determination.
450 (i) The mobile home park portions of a development may be
451 considered "essentially built out" if all the infrastructure and
452 horizontal development has been completed, and at least 50
453 percent of the lots are leased to individual mobile home owners.
454 (j) If the property is annexed by another local
455 jurisdiction, the annexing jurisdiction shall adopt a new
456 development order that incorporates all previous rights and
457 obligations specified in the prior development order.
458 (19) SUBSTANTIAL DEVIATIONS.--
459 (a) Any proposed change to a previously approved
460 development which creates a reasonable likelihood of additional
461 regional impact, or any type of regional impact created by the
462 change not previously reviewed by the regional planning agency,
463 shall constitute a substantial deviation and shall cause the
464 proposed change ~~development~~ to be subject to further
465 development-of-regional-impact review. There are a variety of
466 reasons why a developer may wish to propose changes to an
467 approved development of regional impact, including changed

468 market conditions. The procedures set forth in this subsection
469 are for that purpose.
470 (b) Any proposed change to a previously approved
471 development of regional impact or development order condition
472 which, either individually or cumulatively with other changes,
473 exceeds any of the following criteria shall constitute a
474 substantial deviation and shall cause the development to be
475 subject to further development-of-regional-impact review without
476 the necessity for a finding of same by the local government:
477 1. An increase in the number of parking spaces at an
478 attraction or recreational facility by 10 ~~5~~ percent or 330 ~~300~~
479 spaces, whichever is greater, or an increase in the number of
480 spectators that may be accommodated at such a facility by 10 ~~5~~
481 percent or 1,100 ~~1,000~~ spectators, whichever is greater.
482 2. A new runway, a new terminal facility, a 25-percent
483 lengthening of an existing runway, or a 25-percent increase in
484 the number of gates of an existing terminal, but only if the
485 increase adds at least three additional gates.
486 ~~3. An increase in the number of hospital beds by 5 percent~~
487 ~~or 60 beds, whichever is greater.~~
488 3.~~4.~~ An increase in industrial development area by 10 ~~5~~
489 percent or 35 ~~32~~ acres, whichever is greater.
490 4.~~5.~~ An increase in the average annual acreage mined by 10
491 ~~5~~ percent or 11 ~~10~~ acres, whichever is greater, or an increase
492 in the average daily water consumption by a mining operation by
493 10 ~~5~~ percent or 330,000 ~~300,000~~ gallons, whichever is greater.
494 An increase in the size of the mine by 10 ~~5~~ percent or 825 ~~750~~
495 acres, whichever is less. An increase in the size of a heavy

496 mineral mine as defined in s. 378.403(7) will only constitute a
497 substantial deviation if the average annual acreage mined is
498 more than 550 ~~500~~ acres and consumes more than 3.3 ~~3~~ million
499 gallons of water per day.
500 5.~~6.~~ An increase in land area for office development by 10
501 ~~5~~ percent or an increase of gross floor area of office
502 development by 10 ~~5~~ percent or 66,000 ~~60,000~~ gross square feet,
503 whichever is greater.
504 ~~7. An increase in the storage capacity for chemical or~~
505 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or 7~~
506 ~~million pounds, whichever is greater.~~
507 ~~8. An increase of development at a waterport of wet~~
508 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~
509 ~~wet/dry storage for 60 watercraft in an area identified in the~~
510 ~~state marina siting plan as an appropriate site for additional~~
511 ~~waterport development or a 5 percent increase in watercraft~~
512 ~~storage capacity, whichever is greater.~~
513 6.~~9.~~ An increase in the number of dwelling units by 10 ~~5~~
514 percent or 55 ~~50~~ dwelling units, whichever is greater.
515 7. An increase in the number of dwelling units by 50
516 percent or 200 units, whichever is greater, provided that 15
517 percent of the increase in the number of dwelling units is
518 dedicated to the construction of workforce housing. For purposes
519 of this subparagraph, the term "workforce housing" means housing
520 that is affordable to a person who earns less than 150 percent
521 of the area median income.
522 8.~~10.~~ An increase in commercial development by 55,000
523 ~~50,000~~ square feet of gross floor area or of parking spaces

524 provided for customers for 330 ~~300~~ cars or a 10-percent ~~5-~~
525 ~~percent~~ increase of either of these, whichever is greater.
526 9.~~11.~~ An increase in hotel or motel rooms ~~facility units~~
527 by 10 ~~5~~ percent or 83 rooms ~~75 units~~, whichever is greater.
528 10.~~12.~~ An increase in a recreational vehicle park area by
529 10 ~~5~~ percent or 110 ~~100~~ vehicle spaces, whichever is less.
530 11.~~13.~~ A decrease in the area set aside for open space of
531 5 percent or 20 acres, whichever is less.
532 12.~~14.~~ A proposed increase to an approved multiuse
533 development of regional impact where the sum of the increases of
534 each land use as a percentage of the applicable substantial
535 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The
536 percentage of any decrease in the amount of open space shall be
537 treated as an increase for purposes of determining when 110 ~~100~~
538 percent has been reached or exceeded.
539 13.~~15.~~ A 15-percent increase in the number of external
540 vehicle trips generated by the development above that which was
541 projected during the original development-of-regional-impact
542 review.
543 14.~~16.~~ Any change which would result in development of any
544 area which was specifically set aside in the application for
545 development approval or in the development order for
546 preservation or special protection of endangered or threatened
547 plants or animals designated as endangered, threatened, or
548 species of special concern and their habitat, any species
549 protected by 16 U.S.C. s. 668a-668d, primary dunes, or
550 archaeological and historical sites designated as significant by
551 the Division of Historical Resources of the Department of State.

552 The ~~further~~ refinement of the boundaries and configuration of
553 such areas ~~by survey~~ shall be considered under sub-subparagraph
554 (e)2.j. ~~(e)5.b.~~
555
556 The substantial deviation numerical standards in subparagraphs
557 3., 5., 8., 9., and 12. ~~4., 6., 10., 14.~~, excluding residential
558 uses, and in subparagraph 13. ~~15.,~~ are increased by 100 percent
559 for a project certified under s. 403.973 which creates jobs and
560 meets criteria established by the Office of Tourism, Trade, and
561 Economic Development as to its impact on an area's economy,
562 employment, and prevailing wage and skill levels. The
563 substantial deviation numerical standards in subparagraphs 3.,
564 5., 6., 7., 8., 9., 12., and 13. ~~4., 6., 9., 10., 11., and 14.~~
565 are increased by 50 percent for a project located wholly within
566 an urban infill and redevelopment area designated on the
567 applicable adopted local comprehensive plan future land use map
568 and not located within the coastal high hazard area.
569 (c) An extension of the date of buildout of a development,
570 or any phase thereof, by more than 7 ~~or more~~ years shall be
571 presumed to create a substantial deviation subject to further
572 development-of-regional-impact review. An extension of the date
573 of buildout, or any phase thereof, of more than 5 years ~~or more~~
574 but less than 7 years shall be presumed not to create a
575 substantial deviation. The extension of the date of buildout of
576 an areawide development of regional impact by more than 5 years
577 but less than 10 years is presumed not to create a substantial
578 deviation. These presumptions may be rebutted by clear and
579 convincing evidence at the public hearing held by the local

580 government. An extension of 5 years or less ~~than 5 years~~ is not
581 a substantial deviation. For the purpose of calculating when a
582 buildout or~~,~~ phase~~, or termination~~ date has been exceeded, the
583 time shall be tolled during the pendency of administrative or
584 judicial proceedings relating to development permits. Any
585 extension of the buildout date of a project or a phase thereof
586 shall automatically extend the commencement date of the project,
587 the termination date of the development order, the expiration
588 date of the development of regional impact, and the phases
589 thereof if applicable by a like period of time.
590 (d) A change in the plan of development of an approved
591 development of regional impact resulting from requirements
592 imposed by the Department of Environmental Protection or any
593 water management district created by s. 373.069 or any of their
594 successor agencies or by any appropriate federal regulatory
595 agency shall be submitted to the local government pursuant to
596 this subsection. The change shall be presumed not to create a
597 substantial deviation subject to further development-of-
598 regional-impact review. The presumption may be rebutted by clear
599 and convincing evidence at the public hearing held by the local
600 government.
601 (e)1. Except for a development order rendered pursuant to
602 subsection (22) or subsection (25), a proposed change to a
603 development order that individually or cumulatively with any
604 previous change is less than any numerical criterion contained
605 in subparagraphs (b)1.-15. and does not exceed any other
606 criterion, or that involves an extension of the buildout date of
607 a development, or any phase thereof, of less than 5 years is not

608 subject to the public hearing requirements of subparagraph
609 (f)3., and is not subject to a determination pursuant to
610 subparagraph (f)5. Notice of the proposed change shall be made
611 to the regional planning council and the state land planning
612 agency. Such notice shall include a description of previous
613 individual changes made to the development, including changes
614 previously approved by the local government, and shall include
615 appropriate amendments to the development order.
616 2. The following changes, individually or cumulatively
617 with any previous changes, are not substantial deviations:
618 a. Changes in the name of the project, developer, owner,
619 or monitoring official.
620 b. Changes to a setback that do not affect noise buffers,
621 environmental protection or mitigation areas, or archaeological
622 or historical resources.
623 c. Changes to minimum lot sizes.
624 d. Changes in the configuration of internal roads that do
625 not affect external access points.
626 e. Changes to the building design or orientation that stay
627 approximately within the approved area designated for such
628 building and parking lot, and which do not affect historical
629 buildings designated as significant by the Division of
630 Historical Resources of the Department of State.
631 f. Changes to increase the acreage in the development,
632 provided that no development is proposed on the acreage to be
633 added.
634 g. Changes to eliminate an approved land use, provided
635 that there are no additional regional impacts.

636 h. Changes required to conform to permits approved by any
637 federal, state, or regional permitting agency, provided that
638 these changes do not create additional regional impacts.
639 i. Any renovation or redevelopment of development within a
640 previously approved development of regional impact which does
641 not change land use or increase density or intensity of use.
642 j. Changes that modify boundaries and configuration of
643 areas described in subparagraph (b)14. due to science-based
644 refinement of such areas by survey, by habitat evaluation, by
645 other recognized assessment methodology, or by an environmental
646 assessment. In order for changes to qualify under this sub-
647 subparagraph, the survey, habitat evaluation, or assessment must
648 occur prior to the time a conservation easement protecting such
649 lands is recorded and must not result in any net decrease in the
650 total acreage of the lands specifically set aside for permanent
651 preservation in the final development order.
652 k.~~j.~~ Any other change which the state land planning agency
653 agrees in writing is similar in nature, impact, or character to
654 the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and
655 which does not create the likelihood of any additional regional
656 impact.
657
658 This subsection does not require the filing of a notice of
659 proposed change but shall require an application to the local
660 government to amend the development order in accordance with the
661 local government's procedures for amendment of a development
662 order. In accordance with the local government's procedures,
663 including requirements for notice to the applicant and the

664 public, the local government shall either deny the application
665 for amendment or adopt an amendment to the development order
666 which approves the application with or without conditions.
667 Following adoption, the local government shall render to the
668 state land planning agency the amendment to the development
669 order. The state land planning agency may appeal, pursuant to s.
670 380.07(3), the amendment to the development order if the
671 amendment involves sub-subparagraph g., sub-subparagraph h.,
672 sub-subparagraph j., or sub-subparagraph k. and it believes the
673 change creates a reasonable likelihood of new or additional
674 regional impacts ~~a development order amendment for any change~~
675 ~~listed in sub-subparagraphs a.-j. unless such issue is addressed~~
676 ~~either in the existing development order or in the application~~
677 ~~for development approval, but, in the case of the application,~~
678 ~~only if, and in the manner in which, the application is~~
679 ~~incorporated in the development order~~.
680 3. Except for the change authorized by sub-subparagraph
681 2.f., any addition of land not previously reviewed or any change
682 not specified in paragraph (b) or paragraph (c) shall be
683 presumed to create a substantial deviation. This presumption may
684 be rebutted by clear and convincing evidence.
685 4. Any submittal of a proposed change to a previously
686 approved development shall include a description of individual
687 changes previously made to the development, including changes
688 previously approved by the local government. The local
689 government shall consider the previous and current proposed
690 changes in deciding whether such changes cumulatively constitute

691 a substantial deviation requiring further development-of-
692 regional-impact review.
693 5. The following changes to an approved development of
694 regional impact shall be presumed to create a substantial
695 deviation. Such presumption may be rebutted by clear and
696 convincing evidence.
697 a. A change proposed for 15 percent or more of the acreage
698 to a land use not previously approved in the development order.
699 Changes of less than 15 percent shall be presumed not to create
700 a substantial deviation.
701 ~~b. Except for the types of uses listed in subparagraph~~
702 ~~(b)16., any change which would result in the development of any~~
703 ~~area which was specifically set aside in the application for~~
704 ~~development approval or in the development order for~~
705 ~~preservation, buffers, or special protection, including habitat~~
706 ~~for plant and animal species, archaeological and historical~~
707 ~~sites, dunes, and other special areas.~~
708 b.~~c.~~ Notwithstanding any provision of paragraph (b) to the
709 contrary, a proposed change consisting of simultaneous increases
710 and decreases of at least two of the uses within an authorized
711 multiuse development of regional impact which was originally
712 approved with three or more uses specified in s. 380.0651(3)(c),
713 (d), (f), and (g) and residential use.
714 (f)1. The state land planning agency shall establish by
715 rule standard forms for submittal of proposed changes to a
716 previously approved development of regional impact which may
717 require further development-of-regional-impact review. At a
718 minimum, the standard form shall require the developer to

719 provide the precise language that the developer proposes to
720 delete or add as an amendment to the development order.
721 2. The developer shall submit, simultaneously, to the
722 local government, the regional planning agency, and the state
723 land planning agency the request for approval of a proposed
724 change.
725 3. No sooner than 30 days but no later than 45 days after
726 submittal by the developer to the local government, the state
727 land planning agency, and the appropriate regional planning
728 agency, the local government shall give 15 days' notice and
729 schedule a public hearing to consider the change that the
730 developer asserts does not create a substantial deviation. This
731 public hearing shall be held within 60 ~~90~~ days after submittal
732 of the proposed changes, unless that time is extended by the
733 developer.
734 4. The appropriate regional planning agency or the state
735 land planning agency shall review the proposed change and, no
736 later than 45 days after submittal by the developer of the
737 proposed change, unless that time is extended by the developer,
738 and prior to the public hearing at which the proposed change is
739 to be considered, shall advise the local government in writing
740 whether it objects to the proposed change, shall specify the
741 reasons for its objection, if any, and shall provide a copy to
742 the developer.
743 5. At the public hearing, the local government shall
744 determine whether the proposed change requires further
745 development-of-regional-impact review. The provisions of
746 paragraphs (a) and (e), the thresholds set forth in paragraph

747 (b), and the presumptions set forth in paragraphs (c) and (d)
748 and subparagraph (e)3. shall be applicable in determining
749 whether further development-of-regional-impact review is
750 required.
751 6. If the local government determines that the proposed
752 change does not require further development-of-regional-impact
753 review and is otherwise approved, or if the proposed change is
754 not subject to a hearing and determination pursuant to
755 subparagraphs 3. and 5. and is otherwise approved, the local
756 government shall issue an amendment to the development order
757 incorporating the approved change and conditions of approval
758 relating to the change. The decision of the local government to
759 approve, with or without conditions, or to deny the proposed
760 change that the developer asserts does not require further
761 review shall be subject to the appeal provisions of s. 380.07.
762 However, the state land planning agency may not appeal the local
763 government decision if it did not comply with subparagraph 4.
764 The state land planning agency may not appeal a change to a
765 development order made pursuant to subparagraph (e)1. or
766 subparagraph (e)2. for developments of regional impact approved
767 after January 1, 1980, unless the change would result in a
768 significant impact to a regionally significant archaeological,
769 historical, or natural resource not previously identified in the
770 original development-of-regional-impact review.
771 (g) If a proposed change requires further development-of-
772 regional-impact review pursuant to this section, the review
773 shall be conducted subject to the following additional
774 conditions:

775 1. The development-of-regional-impact review conducted by
776 the appropriate regional planning agency shall address only
777 those issues raised by the proposed change except as provided in
778 subparagraph 2.
779 2. The regional planning agency shall consider, and the
780 local government shall determine whether to approve, approve
781 with conditions, or deny the proposed change as it relates to
782 the entire development. If the local government determines that
783 the proposed change, as it relates to the entire development, is
784 unacceptable, the local government shall deny the change.
785 3. If the local government determines that the proposed
786 change~~, as it relates to the entire development,~~ should be
787 approved, any new conditions in the amendment to the development
788 order issued by the local government shall address only those
789 issues raised by the proposed change <u>and require mitigation only</u>
790 <u>for the individual and cumulative impacts of the proposed</u>
791 <u>change</u>.
792 4. Development within the previously approved development
793 of regional impact may continue, as approved, during the
794 development-of-regional-impact review in those portions of the
795 development which are not <u>directly</u> affected by the proposed
796 change.
797 (h) When further development-of-regional-impact review is
798 required because a substantial deviation has been determined or
799 admitted by the developer, the amendment to the development
800 order issued by the local government shall be consistent with
801 the requirements of subsection (15) and shall be subject to the
802 hearing and appeal provisions of s. 380.07. The state land

803 planning agency or the appropriate regional planning agency need
804 not participate at the local hearing in order to appeal a local
805 government development order issued pursuant to this paragraph.
806 (i) An increase in the number of residential dwelling
807 units shall not constitute a substantial deviation and shall not
808 be subject to development-of-regional-impact review for
809 additional impacts provided that all the residential dwelling
810 units are dedicated to workforce housing. For purposes of this
811 paragraph, the term "workforce housing" means housing that is
812 affordable to a person who earns less than 150 percent of the
813 area median income.
814 (24) STATUTORY EXEMPTIONS.--
815 (a) Any proposed hospital ~~which has a designed capacity of~~
816 ~~not more than 100 beds~~ is exempt from the provisions of this
817 section.
818 (b) Any proposed electrical transmission line or
819 electrical power plant is exempt from the provisions of this
820 section~~, except any steam or solar electrical generating~~
821 ~~facility of less than 50 megawatts in capacity attached to a~~
822 ~~development of regional impact~~.
823 (c) Any proposed addition to an existing sports facility
824 complex is exempt from the provisions of this section if the
825 addition meets the following characteristics:
826 1. It would not operate concurrently with the scheduled
827 hours of operation of the existing facility.
828 2. Its seating capacity would be no more than 75 percent
829 of the capacity of the existing facility.

830 3. The sports facility complex property is owned by a
831 public body prior to July 1, 1983.
832
833 This exemption does not apply to any pari-mutuel facility.
834 (d) Any proposed addition or cumulative additions
835 subsequent to July 1, 1988, to an existing sports facility
836 complex owned by a state university is exempt if the increased
837 seating capacity of the complex is no more than 30 percent of
838 the capacity of the existing facility.
839 (e) Any addition of permanent seats or parking spaces for
840 an existing sports facility located on property owned by a
841 public body prior to July 1, 1973, is exempt from the provisions
842 of this section if future additions do not expand existing
843 permanent seating or parking capacity more than 15 percent
844 annually in excess of the prior year's capacity.
845 (f) Any increase in the seating capacity of an existing
846 sports facility having a permanent seating capacity of at least
847 50,000 spectators is exempt from the provisions of this section,
848 provided that such an increase does not increase permanent
849 seating capacity by more than 5 percent per year and not to
850 exceed a total of 10 percent in any 5-year period, and provided
851 that the sports facility notifies the appropriate local
852 government within which the facility is located of the increase
853 at least 6 months prior to the initial use of the increased
854 seating, in order to permit the appropriate local government to
855 develop a traffic management plan for the traffic generated by
856 the increase. Any traffic management plan shall be consistent

857 with the local comprehensive plan, the regional policy plan, and
858 the state comprehensive plan.
859 (g) Any expansion in the permanent seating capacity or
860 additional improved parking facilities of an existing sports
861 facility is exempt from the provisions of this section, if the
862 following conditions exist:
863 1.a. The sports facility had a permanent seating capacity
864 on January 1, 1991, of at least 41,000 spectator seats;
865 b. The sum of such expansions in permanent seating
866 capacity does not exceed a total of 10 percent in any 5-year
867 period and does not exceed a cumulative total of 20 percent for
868 any such expansions; or
869 c. The increase in additional improved parking facilities
870 is a one-time addition and does not exceed 3,500 parking spaces
871 serving the sports facility; and
872 2. The local government having jurisdiction of the sports
873 facility includes in the development order or development permit
874 approving such expansion under this paragraph a finding of fact
875 that the proposed expansion is consistent with the
876 transportation, water, sewer and stormwater drainage provisions
877 of the approved local comprehensive plan and local land
878 development regulations relating to those provisions.
879
880 Any owner or developer who intends to rely on this statutory
881 exemption shall provide to the department a copy of the local
882 government application for a development permit. Within 45 days
883 of receipt of the application, the department shall render to
884 the local government an advisory and nonbinding opinion, in

885 writing, stating whether, in the department's opinion, the
886 prescribed conditions exist for an exemption under this
887 paragraph. The local government shall render the development
888 order approving each such expansion to the department. The
889 owner, developer, or department may appeal the local government
890 development order pursuant to s. 380.07, within 45 days after
891 the order is rendered. The scope of review shall be limited to
892 the determination of whether the conditions prescribed in this
893 paragraph exist. If any sports facility expansion undergoes
894 development of regional impact review, all previous expansions
895 which were exempt under this paragraph shall be included in the
896 development of regional impact review.
897 (h) Expansion to port harbors, spoil disposal sites,
898 navigation channels, turning basins, harbor berths, and other
899 related inwater harbor facilities of ports listed in s.
900 403.021(9)(b), port transportation facilities and projects
901 listed in s. 311.07(3)(b), and intermodal transportation
902 facilities identified pursuant to s. 311.09(3) are exempt from
903 the provisions of this section when such expansions, projects,
904 or facilities are consistent with comprehensive master plans
905 that are in compliance with the provisions of s. 163.3178.
906 (i) Any proposed facility for the storage of any petroleum
907 product or any expansion of an existing facility is exempt from
908 the provisions of this section~~, if the facility is consistent~~
909 ~~with a local comprehensive plan that is in compliance with s.~~
910 ~~163.3177 or is consistent with a comprehensive port master plan~~
911 ~~that is in compliance with s. 163.3178~~.

912 (j) Any renovation or redevelopment within the same land
913 parcel which does not change land use or increase density or
914 intensity of use.
915 (k)~~1.~~ Waterport and marina development, including dry
916 storage facilities, are exempt from the provisions of this
917 section ~~Any waterport or marina development is exempt from the~~
918 ~~provisions of this section if the relevant county or~~
919 ~~municipality has adopted a boating facility siting plan or~~
920 ~~policy which includes applicable criteria, considering such~~
921 ~~factors as natural resources, manatee protection needs and~~
922 ~~recreation and economic demands as generally outlined in the~~
923 ~~Bureau of Protected Species Management Boat Facility Siting~~
924 ~~Guide, dated August 2000, into the coastal management or land~~
925 ~~use element of its comprehensive plan. The adoption of boating~~
926 ~~facility siting plans or policies into the comprehensive plan is~~
927 ~~exempt from the provisions of s. 163.3187(1). Any waterport or~~
928 ~~marina development within the municipalities or counties with~~
929 ~~boating facility siting plans or policies that meet the above~~
930 ~~criteria, adopted prior to April 1, 2002, are exempt from the~~
931 ~~provisions of this section, when their boating facility siting~~
932 ~~plan or policy is adopted as part of the relevant local~~
933 ~~government's comprehensive plan.~~
934 ~~2. Within 6 months of the effective date of this law, The~~
935 ~~Department of Community Affairs, in conjunction with the~~
936 ~~Department of Environmental Protection and the Florida Fish and~~
937 ~~Wildlife Conservation Commission, shall provide technical~~
938 ~~assistance and guidelines, including model plans, policies and~~

939 ~~criteria to local governments for the development of their~~
940 ~~siting plans~~.
941 (l) Any proposed development within an urban service
942 boundary established under s. 163.3177(14) is exempt from the
943 provisions of this section if the local government having
944 jurisdiction over the area where the development is proposed has
945 adopted the urban service boundary, ~~and~~ has entered into a
946 binding agreement with ~~adjacent~~ jurisdictions that would be
947 impacted and with the Department of Transportation regarding the
948 mitigation of impacts on state and regional transportation
949 facilities, and has adopted a proportionate share methodology
950 pursuant to s. 163.3180(16).
951 (m) Any proposed development within a rural land
952 stewardship area created under s. 163.3177(11)(d) is exempt from
953 the provisions of this section if the local government that has
954 adopted the rural land stewardship area has entered into a
955 binding agreement with jurisdictions that would be impacted and
956 the Department of Transportation regarding the mitigation of
957 impacts on state and regional transportation facilities, and has
958 adopted a proportionate share methodology pursuant to s.
959 163.3180(16).
960 (n) Any proposed development or redevelopment within an
961 area designated as an urban infill and redevelopment area under
962 s. 163.2517 is exempt from ~~the provisions of~~ this section if the
963 local government has entered into a binding agreement with
964 jurisdictions that would be impacted and the Department of
965 Transportation regarding the mitigation of impacts on state and

966 regional transportation facilities, and has adopted a
967 proportionate share methodology pursuant to s. 163.3180(16).
968 (o) The establishment, relocation, or expansion of any
969 military installation as defined in s. 163.3175, is exempt from
970 this section.
971 (p) Any self-storage warehousing that does not allow
972 retail or other services is exempt from this section.
973 (q) Any proposed nursing home or assisted living facility
974 is exempt from this section.
975 (r) Any development identified in an airport master plan
976 and adopted into the comprehensive plan pursuant to s.
977 163.3177(6)(k) is exempt from this section.
978 (s) Any development identified in a campus master plan and
979 adopted pursuant to s. 1013.30 is exempt from this section.
980 (t) Any development in a specific area plan which is
981 prepared pursuant to s. 163.3245 and adopted into the
982 comprehensive plan is exempt from this section.
983
984 If a use is exempt from review as a development of regional
985 impact under paragraphs (a)-(t) but will be part of a larger
986 project that is subject to review as a development of regional
987 impact, the impact of the exempt use must be included in the
988 review of the larger project.
989 (28) PARTIAL STATUTORY EXEMPTIONS.--
990 (a) If the binding agreement referenced under paragraph
991 (24)(l) for urban service boundaries is not entered into within
992 12 months after establishment of the urban service boundary, the

993 development-of-regional-impact review for projects within the
994 urban service boundary must address transportation impacts only.
995 (b) If the binding agreement referenced under paragraph
996 (24)(m) for rural land stewardship areas is not entered into
997 within 12 months after the designation of a rural land
998 stewardship area, the development-of-regional-impact review for
999 projects within the rural land stewardship area must address
1000 transportation impacts only.
1001 (c) If the binding agreement referenced under paragraph
1002 (24)(n) for designated urban infill and redevelopment areas is
1003 not entered into within 12 months after the designation of the
1004 area or July 1, 2007, whichever occurs later, the development-
1005 of-regional-impact review for projects within the urban infill
1006 and redevelopment area must address transportation impacts only.
1007 (d) A local government that does not wish to enter into a
1008 binding agreement or that is unable to agree on the terms of the
1009 agreement referenced under paragraph (24)(l), paragraph (24)(m),
1010 or paragraph (24)(n) shall provide written notification to the
1011 state land planning agency of the decision to not enter into a
1012 binding agreement or the failure to enter into a binding
1013 agreement within the 12-month period referenced in paragraphs
1014 (a), (b) and (c). Following the notification of the state land
1015 planning agency, development-of-regional-impact review for
1016 projects within an urban service boundary under paragraph
1017 (24)(l), a rural land stewardship area under paragraph (24)(m),
1018 or an urban infill and redevelopment area under paragraph
1019 (24)(n), must address transportation impacts only.

1020 Section 7. Paragraphs (d) and (e) of subsection (3) of
1021 section 380.0651, Florida Statutes, are amended, paragraphs (f)
1022 through (j) are redesignated as (e) through (i), respectively,
1023 and a new paragraph (j) is added to that subsection, to read:
1024 380.0651 Statewide guidelines and standards.--
1025 (3) The following statewide guidelines and standards shall
1026 be applied in the manner described in s. 380.06(2) to determine
1027 whether the following developments shall be required to undergo
1028 development-of-regional-impact review:
1029 (d) Office development.--Any proposed office building or
1030 park operated under common ownership, development plan, or
1031 management that:
1032 1. Encompasses 300,000 or more square feet of gross floor
1033 area; or
1034 2. Encompasses more than 600,000 square feet of gross
1035 floor area in a county with a population greater than 500,000
1036 and only in a geographic area specifically designated as highly
1037 suitable for increased threshold intensity in the approved local
1038 comprehensive plan ~~and in the strategic regional policy plan~~.
1039 ~~(e) Port facilities.--The proposed construction of any~~
1040 ~~waterport or marina is required to undergo development-of-~~
1041 ~~regional-impact review, except one designed for:~~
1042 ~~1.a. The wet storage or mooring of fewer than 150~~
1043 ~~watercraft used exclusively for sport, pleasure, or commercial~~
1044 ~~fishing, or~~
1045 ~~b. The dry storage of fewer than 200 watercraft used~~
1046 ~~exclusively for sport, pleasure, or commercial fishing, or~~

1047 ~~c. The wet or dry storage or mooring of fewer than 150~~
1048 ~~watercraft on or adjacent to an inland freshwater lake except~~
1049 ~~Lake Okeechobee or any lake which has been designated an~~
1050 ~~Outstanding Florida Water, or~~
1051 ~~d. The wet or dry storage or mooring of fewer than 50~~
1052 ~~watercraft of 40 feet in length or less of any type or purpose.~~
1053 ~~The exceptions to this paragraph's requirements for development~~
1054 ~~of regional impact review shall not apply to any waterport or~~
1055 ~~marina facility located within or which serves physical~~
1056 ~~development located within a coastal barrier resource unit on an~~
1057 ~~unbridged barrier island designated pursuant to 16 U.S.C. s.~~
1058 ~~3501.~~
1059
1060 ~~In addition to the foregoing, for projects for which no~~
1061 ~~environmental resource permit or sovereign submerged land lease~~
1062 ~~is required, the Department of Environmental Protection must~~
1063 ~~determine in writing that a proposed marina in excess of 10~~
1064 ~~slips or storage spaces or a combination of the two is located~~
1065 ~~so that it will not adversely impact Outstanding Florida Waters~~
1066 ~~or Class II waters and will not contribute boat traffic in a~~
1067 ~~manner that will have an adverse impact on an area known to be,~~
1068 ~~or likely to be, frequented by manatees. If the Department of~~
1069 ~~Environmental Protection fails to issue its determination within~~
1070 ~~45 days of receipt of a formal written request, it has waived~~
1071 ~~its authority to make such determination. The Department of~~
1072 ~~Environmental Protection determination shall constitute final~~
1073 ~~agency action pursuant to chapter 120.~~

1074 ~~2. The dry storage of fewer than 300 watercraft used~~
1075 ~~exclusively for sport, pleasure, or commercial fishing at a~~
1076 ~~marina constructed and in operation prior to July 1, 1985.~~
1077 ~~3. Any proposed marina development with both wet and dry~~
1078 ~~mooring or storage used exclusively for sport, pleasure, or~~
1079 ~~commercial fishing, where the sum of percentages of the~~
1080 ~~applicable wet and dry mooring or storage thresholds equals 100~~
1081 ~~percent. This threshold is in addition to, and does not~~
1082 ~~preclude, a development from being required to undergo~~
1083 ~~development of regional impact review under sub-subparagraphs~~
1084 ~~1.a. and b. and subparagraph 2.~~
1085 (j) Workforce housing.--The applicable guidelines for
1086 residential development and the residential component for
1087 multiuse development shall be increased by 50 percent where the
1088 developer demonstrates that at least 15 percent of the
1089 residential dwelling units will be dedicated to workforce
1090 housing. For purposes of this paragraph, the term "workforce
1091 housing" means housing that is affordable to a person who earns
1092 less than 150 percent of the area median income.
1093 Section 8. Section 380.07, Florida Statutes, is amended to
1094 read:
1095 380.07 Florida Land and Water Adjudicatory Commission.--
1096 (1) There is hereby created the Florida Land and Water
1097 Adjudicatory Commission, which shall consist of the
1098 Administration Commission. The commission may adopt rules
1099 necessary to ensure compliance with the area of critical state
1100 concern program and the requirements for developments of
1101 regional impact as set forth in this chapter.

1102 (2) Whenever any local government issues any development
1103 order in any area of critical state concern, or in regard to any
1104 development of regional impact, copies of such orders as
1105 prescribed by rule by the state land planning agency shall be
1106 transmitted to the state land planning agency, the regional
1107 planning agency, and the owner or developer of the property
1108 affected by such order. The state land planning agency shall
1109 adopt rules describing development order rendition and
1110 effectiveness in designated areas of critical state concern.
1111 Within 45 days after the order is rendered, the owner, the
1112 developer, or the state land planning agency may appeal the
1113 order to the Florida Land and Water Adjudicatory Commission by
1114 filing a petition alleging that the development order is not
1115 consistent with the provisions of this part ~~notice of appeal~~
1116 ~~with the commission~~. The appropriate regional planning agency by
1117 vote at a regularly scheduled meeting may recommend that the
1118 state land planning agency undertake an appeal of a development-
1119 of-regional-impact development order. Upon the request of an
1120 appropriate regional planning council, affected local
1121 government, or any citizen, the state land planning agency shall
1122 consider whether to appeal the order and shall respond to the
1123 request within the 45-day appeal period. ~~Any appeal taken by a~~
1124 ~~regional planning agency between March 1, 1993, and the~~
1125 ~~effective date of this section may only be continued if the~~
1126 ~~state land planning agency has also filed an appeal. Any appeal~~
1127 ~~initiated by a regional planning agency on or before March 1,~~
1128 ~~1993, shall continue until completion of the appeal process and~~

1129 ~~any subsequent appellate review, as if the regional planning~~
1130 ~~agency were authorized to initiate the appeal.~~
1131 (3) Notwithstanding any other provision of law, an appeal
1132 of a development order by the state land planning agency under
1133 this section may include consistency of the development order
1134 with the local comprehensive plan. However, if a development
1135 order relating to a development of regional impact has been
1136 challenged in a proceeding under s. 163.3215 and a party to the
1137 proceeding serves notice to the state land planning agency of
1138 the pending proceeding under s. 163.3215, the state land
1139 planning agency shall:
1140 (a) Raise its consistency issues by intervening as a full
1141 party in the pending proceeding under s. 163.3215 within 30 days
1142 after service of the notice; and
1143 (b) Dismiss the consistency issues from the development
1144 order appeal.
1145 (4) The appellant shall furnish a copy of the petition to
1146 the opposing party, as the case may be, and to the local
1147 government that issued the order. The filing of the petition
1148 stays the effectiveness of the order until after the completion
1149 of the appeal process.
1150 (5) ~~(3)~~ The 45-day appeal period for a development of
1151 regional impact within the jurisdiction of more than one local
1152 government shall not commence until after all the local
1153 governments having jurisdiction over the proposed development of
1154 regional impact have rendered their development orders. The
1155 appellant shall furnish a copy of the notice of appeal to the
1156 opposing party, as the case may be, and to the local government

1157 which issued the order. The filing of the notice of appeal shall
1158 stay the effectiveness of the order until after the completion
1159 of the appeal process.
1160 (6) ~~(4)~~ Prior to issuing an order, the Florida Land and
1161 Water Adjudicatory Commission shall hold a hearing pursuant to
1162 the provisions of chapter 120. The commission shall encourage
1163 the submission of appeals on the record made below in cases in
1164 which the development order was issued after a full and complete
1165 hearing before the local government or an agency thereof.
1166 (7) ~~(5)~~ The Florida Land and Water Adjudicatory Commission
1167 shall issue a decision granting or denying permission to develop
1168 pursuant to the standards of this chapter and may attach
1169 conditions and restrictions to its decisions.
1170 ~~(6) If an appeal is filed with respect to any issues~~
1171 ~~within the scope of a permitting program authorized by chapter~~
1172 ~~161, chapter 373, or chapter 403 and for which a permit or~~
1173 ~~conceptual review approval has been obtained prior to the~~
1174 ~~issuance of a development order, any such issue shall be~~
1175 ~~specifically identified in the notice of appeal which is filed~~
1176 ~~pursuant to this section, together with other issues which~~
1177 ~~constitute grounds for the appeal. The appeal may proceed with~~
1178 ~~respect to issues within the scope of permitting programs for~~
1179 ~~which a permit or conceptual review approval has been obtained~~
1180 ~~prior to the issuance of a development order only after the~~
1181 ~~commission determines by majority vote at a regularly scheduled~~
1182 ~~commission meeting that statewide or regional interests may be~~
1183 ~~adversely affected by the development. In making this~~
1184 ~~determination, there shall be a rebuttable presumption that~~

1185 ~~statewide and regional interests relating to issues within the~~
1186 ~~scope of the permitting programs for which a permit or~~
1187 ~~conceptual approval has been obtained are not adversely~~
1188 ~~affected.~~
1189 Section 9. Section 380.115, Florida Statutes, is amended
1190 to read:
1191 380.115 Vested rights and duties; effect of size
1192 reduction, changes in guidelines and standards ~~chs. 2002-20 and~~
1193 ~~2002-296~~.--
1194 (1) A change in a development-of-regional-impact guideline
1195 and standard does not abridge ~~Nothing contained in this act~~
1196 ~~abridges~~ or modify ~~modifies~~ any vested or other right or any
1197 duty or obligation pursuant to any development order or
1198 agreement that is applicable to a development of regional impact
1199 ~~on the effective date of this act~~. A development that has
1200 received a development-of-regional-impact development order
1201 pursuant to s. 380.06, but is no longer required to undergo
1202 development-of-regional-impact review by operation of a change
1203 in the guidelines and standards or has reduced its size below
1204 the thresholds in s. 380.0651 ~~of this act~~, shall be governed by
1205 the following procedures:
1206 (a) The development shall continue to be governed by the
1207 development-of-regional-impact development order and may be
1208 completed in reliance upon and pursuant to the development order
1209 unless the developer or landowner has followed the procedures
1210 for rescission in paragraph (b). Any proposed changes to those
1211 developments which continue to be governed by a development
1212 order shall be approved pursuant to s. 380.06(19) as it existed

1213 prior to a change in the development-of-regional-impact
1214 guidelines and standards except that all percentage criteria
1215 shall be doubled and all other criteria shall be increased by 10
1216 percent. The development-of-regional-impact development order
1217 may be enforced by the local government as provided by ss.
1218 380.06(17) and 380.11.
1219 (b) If requested by the developer or landowner, the
1220 development-of-regional-impact development order shall ~~may~~ be
1221 rescinded by the local government having jurisdiction upon a
1222 showing that all required mitigation related to the amount of
1223 development that existed on the date of rescission has been
1224 completed ~~abandoned pursuant to the process in s. 380.06(26)~~.
1225 (2) A development with an application for development
1226 approval pending, ~~and determined sufficient~~ pursuant to s.
1227 380.06 ~~s. 380.06(10)~~, on the effective date of a change to the
1228 guidelines and standards ~~this act~~, or a notification of proposed
1229 change pending on the effective date of a change to the
1230 guidelines and standards ~~this act~~, may elect to continue such
1231 review pursuant to s. 380.06. At the conclusion of the pending
1232 review, including any appeals pursuant to s. 380.07, the
1233 resulting development order shall be governed by the provisions
1234 of subsection (1).
1235 (3) A landowner that has filed an application for a
1236 development-of-regional-impact review prior to the adoption of
1237 an optional sector plan pursuant to s. 163.3245 may elect to
1238 have the application reviewed pursuant to s. 380.06,
1239 comprehensive plan provisions in force prior to adoption of the

1240 sector plan, and any requested comprehensive plan amendments
1241 that accompany the application.
1242 Section 10. Paragraph (i) of subsection (2) of section
1243 403.813, Florida Statutes, is amended to read:
1244 403.813 Permits issued at district centers; exceptions.--
1245 (2) A permit is not required under this chapter, chapter
1246 373, chapter 61-691, Laws of Florida, or chapter 25214 or
1247 chapter 25270, 1949, Laws of Florida, for activities associated
1248 with the following types of projects; however, except as
1249 otherwise provided in this subsection, nothing in this
1250 subsection relieves an applicant from any requirement to obtain
1251 permission to use or occupy lands owned by the Board of Trustees
1252 of the Internal Improvement Trust Fund or any water management
1253 district in its governmental or proprietary capacity or from
1254 complying with applicable local pollution control programs
1255 authorized under this chapter or other requirements of county
1256 and municipal governments:
1257 (i) The construction of private docks <u>of 1,000 square feet</u>
1258 <u>or less of over-water surface area</u> and seawalls in artificially
1259 created waterways where such construction will not violate
1260 existing water quality standards, impede navigation, or affect
1261 flood control. This exemption does not apply to the construction
1262 of vertical seawalls in estuaries or lagoons unless the proposed
1263 construction is within an existing manmade canal where the
1264 shoreline is currently occupied in whole or part by vertical
1265 seawalls.
1266 Section 11. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 905 CS Transportation Concurrency Management
SPONSOR(S): Goodlette and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1862

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N	Grayson	Hamby
2) Transportation & Economic Development Appropriations Committee	19 Y, 1 N, w/CS	McAuliffe	Gordon
3) State Infrastructure Council		Grayson	Havlicak
4)			
5)			

SUMMARY ANALYSIS

HB 905 w/CS provides local governments that have adopted concurrency management systems prior to July 1, 2005, which are stricter than those provided in law are not required to issue a building permit, or its functional equivalent, when that permit would result in traffic generation until adequate transportation facilities are in place as required by that local government's adopted concurrency management system.

The bill has an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill allows local government to be more restrictive in implementing transportation facilities concurrency. If local government chooses to be more restrictive than the state standard, then such action could be considered to either limit government by decentralizing the implementation standard or increase government by further restricting when development may occur.

Safeguard individual liberty – The bill allows local government to be more restrictive in implementing transportation facilities concurrency. Thus, if local government chooses a more restrictive implementation, then such action could be considered to decrease or prohibit a private organization (developer) in the conduct of its affairs.

B. EFFECT OF PROPOSED CHANGES:

Background

Transportation Concurrency - CS/CS/CS SB 360 (2005)

The 2005 Legislature enacted CS/CS/CS SB 360 relating to infrastructure funding and planning (ch. 2005-290, L.O.F., the "2005 Act"). Among other revisions to existing law, the 2005 Act provides for stricter facilities concurrency than existed in prior law. Concurrency is a growth management concept intended to ensure that the necessary public facilities and services are available concurrent with the impacts of development. One of the types of facilities to which concurrency applies under the 2005 Act is transportation facilities. Specifically, the 2005 Act provided that *transportation facilities must be in place or under actual construction within 3 years from the local government's approval of a building permit or its functional equivalent that results in traffic generation.* To carry out transportation concurrency, local governments must define what constitutes an adequate level of service and measure whether the service needs of a new development exceed existing capacity and any scheduled improvements in the capital improvements element of the local government's comprehensive plan.

Transportation Concurrency Exception Areas

The law provides that under limited circumstances, the requirement for transportation facilities concurrency conflicts with other public policy goals and leads to the discouragement of urban infill development and redevelopment. In such instances, existing law allows a local government to designate a transportation concurrency exception area (TCEA) to provide for an exception to the concurrency requirements. This results in an increase in the number of people and goods that need to move around within the TCEA and means that their mobility must be addressed in ways other than the traditional provision of roads. When a local government chooses to designate a TCEA, they must follow certain requirements in the law. Among those requirements is the adoption of a comprehensive plan amendment that supports the designated area in the ways outlined below.

- Implements strategies to support and fund mobility within the TCEA, including alternative modes of transportation.
- Demonstrates how strategies will support the purpose of the exception area and how mobility within the exception area will be provided.
- Addresses urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization.
- Be accompanied by data and analysis justifying the size of the area.

Effect of Proposed Changes

HB 905 w/CS provides local government's that have adopted concurrency management systems prior to July 1, 2005, which are stricter than those provided in law are not required to issue a building permit, or its functional equivalent, when that permit would result in traffic generation until adequate transportation facilities are in place as required by that local governments adopted concurrency management system.

C. SECTION DIRECTORY:

Section 1 – Amends s. 163.3180(2)(c), F.S., relating to transportation concurrency.

Section 2 – Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to have an impact on state revenues.

2. Expenditures:

   The bill does not appear to have an impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to have an impact on local revenues.

2. Expenditures:

   The bill may increase the demand for local expenditures to ensure that transportation facilities are funded and in place in tandem with development demand.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an impact on the private sector by limiting when development may proceed in relation to the availability of adequate transportation facilities.

D. FISCAL COMMENTS:

Not applicable.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At the April 4, 2006 meeting, the Transportation & Economic Development Appropriations Committee approved HB 905 with one strike-all amendment. The amendment provides local governments that have adopted concurrency management systems prior to July 1, 2005, which are stricter than those provided in law are not required to issue a building permit, or its functional equivalent, when that permit would result in traffic generation until adequate transportation facilities are in place as required by that local government's adopted concurrency management system.

CHAMBER ACTION

The Transportation & Economic Development Appropriations Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to transportation concurrency management; amending s. 163.3180, F.S.; providing an exception to certain in-place or under-actual-construction requirements for transportation facilities serving new developments for certain stricter concurrency requirements by local governments; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.--

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government

24 approves a building permit or its functional equivalent that
25 results in traffic generation. Nothing is this section prohibits
26 a local government that has adopted a stricter concurrency
27 management system prior to the enactment of chapter 2005-290,
28 Laws of Florida, that provides for a shorter time period than 3
29 years from using a stricter concurrency management system and
30 requirements under which a local government need not issue a
31 building permit or its functional equivalent under any
32 circumstances that result in traffic generation until adequate
33 transportation facilities are in place pursuant to the local
34 government's adopted concurrency management system.
35 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 989 CS Motor Fuel Taxes
SPONSOR(S): Detert
TIED BILLS: **IDEN./SIM. BILLS:** SB 1932

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	15 Y, 0 N	Pugh	Miller
2) Finance & Tax Committee	6 Y, 0 N, w/CS	Noriega	Diez-Arguelles
3) State Infrastructure Council		Pugh BJP	Havlicak RN
4)			
5)			

SUMMARY ANALYSIS

This bill provides a refund of motor fuel taxes paid on fuel for vehicles and equipment used exclusively for commercial aviation on commercial airport properties.

The refunds are conditioned on the requirement that no amount of the fuel was used in any vehicle or equipment operated on state highways.

The Revenue Estimating Conference has estimated that this bill will have a negative fiscal impact of $0.2 million to state government and an insignificant negative fiscal impact to local governments in both FY 2006-07 and FY 2007-08. Most of the fiscal impact will affect the State Transportation Trust Fund.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes: This bill provides a refund of motor fuel taxes paid on fuel for vehicles and equipment used exclusively for commercial aviation on commercial airport properties.

B. EFFECT OF PROPOSED CHANGES:

Background

Florida collects several different types of motor fuel taxes, most of which are used to finance state highway and other transportation projects. Motor fuel taxes are expected to generate more than $2.2 billion in revenues in fiscal year 2005-06.[1]

Section 206.41, F.S., lists the major motor fuel taxes, their uses, and their distributions. This section also authorizes refunds of certain motor fuel taxes to persons who purchase fuel for use in vehicles and equipment used exclusively on farm property, who purchase fuel for commercial fishing vessels and equipment never operated on public highways, and who purchase fuel for vessels and equipment used exclusively in aquaculture operations that is never operated on public highways. These refunds totaled $326,000 in FY 2003-04.[2]

The three motor fuel taxes which are refunded are: the motor fuel sales tax, the State Comprehensive Enhanced Transportation System Tax (SCETS), and the local-option fuel tax.

The Department of Revenue (DOR) has long-established programs for collecting and, where authorized, refunding fuel tax revenues. Applications for refunds must be accompanied by a completed application, and applicants are directed to retain all invoices and receipts of fuel purchases in the event that DOR decides to audit or inspect these records.

Effect of Proposed Changes

This bill amends s. 206.41(4)(c), F.S., to provide that persons who own vehicles and equipment used exclusively for commercial aviation purposes, and which are never used on public highways, are eligible for motor fuel tax refunds. The type of vehicles and equipment that are envisioned as qualifying for the refund include the vehicles known as "tugs" that deliver luggage, concessions, and other products to airplanes, as well trucks that never leave the airport property, generators, landscaping equipment used exclusively on airport property, and safety and rescue equipment.

The bill defines motor fuel used for "commercial aviation purposes" as that which is used in the operation of aviation ground support vehicles or equipment, and which is not used in any vehicle or equipment driven or operated upon the public highways of this state.

DOR estimates that 101 companies are eligible for the refunds.

C. SECTION DIRECTORY:

Section 1. Amends s. 206.41(4), F.S., by providing a refund for any motor fuel used for commercial aviation purposes; provides a definition for "commercial aviation purposes."

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[1] 2005 Florida Tax Handbook, page 86. On file with the House Transportation Committee.
[2] Ibid, page 91.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference has estimated that this bill will have the following negative fiscal impact on state government:

	2006-07	2007-08
General Revenue	(Insignificant)	(Insignificant)
State Trust	(0.2m)	(0.2m)
Total	(0.2m)	(0.2m)

The applicable trust fund in this case is the State Transportation Trust Fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference has estimated that this bill will have the following negative fiscal impact on local governments:

	2006-07	2007-08
Total Local Impact	(Insignificant)	(Insignificant)

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private companies doing business on airport property, and which purchase fuel for vehicles that never leave airport property, will be eligible for motor fuel tax refunds.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because the bill reduces the authority that counties have to raise revenues through local option fuel taxes; however, the amount of the reduction is insignificant and an exemption applies. Accordingly, the bill does not require a two-thirds vote of the membership of each house.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

It appears that DOR has sufficient existing rule-making authority to implement the provisions of this bill. The agency has indicated that it may provide the refund application and filing procedures by rule.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In its analysis of this bill, DOR suggests the following clarifying language for the term "commercial aviation purposes":

> "Motor fuel used in the operation of aviation ground support vehicles or equipment that is used exclusively at an airport, and no part of which fuel is used in any vehicle or equipment which has been authorized by the Department of Highway Safety and Motor Vehicles to be driven or operated upon the public highways of this state."

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4, 2006, the Finance & Tax Committee adopted one amendment to the bill. This amendment removed the retroactive refund provision for the last three calendar years for initial applicants.

The bill was then reported favorably with a committee substitute, and this analysis reflects the changes contained in the amendment adopted by the Finance & Tax Committee.

CHAMBER ACTION

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1 The Finance & Tax 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 motor fuel taxes; amending s. 206.41,
7 F.S.; providing for a refund of motor fuel taxes paid on
8 motor fuel used for certain commercial aviation purposes;
9 providing a definition; providing an effective date.
10
11 Be It Enacted by the Legislature of the State of Florida:
12
13 Section 1. Paragraph (c) of subsection (4) of section
14 206.41, Florida Statutes, is amended to read:
15 206.41 State taxes imposed on motor fuel.--
16 (4)
17 (c)1. Any person who uses any motor fuel for agricultural,
18 aquacultural, ~~or~~ commercial fishing<u>, or commercial aviation</u>
19 purposes on which fuel the tax imposed by paragraph (1)(e),
20 paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
21 to a refund of such tax.
22 2. For the purposes of this paragraph, "agricultural and
23 aquacultural purposes" means motor fuel used in any tractor,

24 vehicle, or other farm equipment which is used exclusively on a
25 farm or for processing farm products on the farm, and no part of
26 which fuel is used in any vehicle or equipment driven or
27 operated upon the public highways of this state. This
28 restriction does not apply to the movement of a farm vehicle or
29 farm equipment between farms. The transporting of bees by water
30 and the operating of equipment used in the apiary of a beekeeper
31 shall be also deemed an agricultural purpose.
32 3. For the purposes of this paragraph, "commercial fishing
33 and aquacultural purposes" means motor fuel used in the
34 operation of boats, vessels, or equipment used exclusively for
35 the taking of fish, crayfish, oysters, shrimp, or sponges from
36 salt or fresh waters under the jurisdiction of the state for
37 resale to the public, and no part of which fuel is used in any
38 vehicle or equipment driven or operated upon the highways of
39 this state; however, the term may in no way be construed to
40 include fuel used for sport or pleasure fishing.
41 4. For the purposes of this paragraph, the term
42 "commercial aviation purposes" means motor fuel used in the
43 operation of aviation ground support vehicles or equipment, and
44 no part of which fuel is used in any vehicle or equipment driven
45 or operated upon the public highways of this state.
46 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1465 CS Speed Limit Enforcement on State Roads
SPONSOR(S): Altman
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 2020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	15 Y, 2 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	16 Y, 0 N, w/CS	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

HB 1465 w/CS requires the Florida Department of Transportation (FDOT) to establish a pilot project of "enhanced penalty zones" in Brevard, Duval, and St. Johns Counties where there is an increased risk of crashes or damage caused by crashes. FDOT would be authorized to establish speed limits within the zones. Current fines would be increased by $50 for any person convicted of exceeding the speed limit in an enhanced penalty zone. FDOT, the Florida Department of Education and the Department of Highway Safety and Motor Vehicles (DHSMV) are directed to jointly study and identify by July 1, 2007, improvements to reduce Florida's traffic fatalities by one-third.

The fiscal impact incurred by FDOT, the Department of Education and DHSMV is indeterminate, but should not be significant. To the extent that the bill results in additional citations being issued, additional traffic penalties would be collected. These additional funds would primarily benefit certain nursing homes and trauma centers.

Provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility—To the extent that enhanced penalty zones will allow for more effective enforcement of the speed limit, the bill tends to increase personal accountability of drivers for failure to comply with the law.

B. EFFECT OF PROPOSED CHANGES:

Background

According the National Highway Traffic Safety Administration (NHTSA), a crash is considered speed-related if the driver was charged with a speed-related offense or if an officer indicated racing, driving too fast for conditions, or exceeding the posted speed limit was a contributing factor in the crash. Based on DHSMV statistics, excessive speed was a contributing factor in 13.44 percent of all fatal crashes in 2004 making it the fourth overall contributing cause after careless driving, failure to yield right-of-way, and alcohol.

Section 316.183, F.S., requires all persons driving a vehicle on a highway to travel at no greater speed than is "reasonable and prudent" under the present conditions and as necessary to avoid actual and potential hazards, and to control the vehicle's speed "as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object." The maximum speed limit on all streets or highways is 30 m.p.h. in business or residence districts and 55 m.p.h. at all other locations. However, counties and municipalities may set a maximum speed limit of 20 or 25 m.p.h. on local roads if an investigation determines this is reasonable. The minimum speed limit on all Interstate highways is 40 m.p.h., except when the posted maximum speed limit is 70 m.p.h., the minimum speed limit is 50 m.p.h.

Section 316.187, F.S., provides FDOT the authority to establish reasonable and safe speed limits on any highway outside of a municipality or upon any state road within or outside of a municipality. The maximum allowable speed for limited access highways is 70 m.p.h. The maximum allowable speed limit on any other rural, four or more lane highway divided by a median strip is 65 miles per hour. The FDOT may set maximum and minimum speed limits for other roads under its authority as it deems safe and advisable, up to a maximum of 60 m.p.h.

Section 316.0745, F.S., directs FDOT to adopt a uniform system of traffic control devices, including regulatory speed signs, for use on the streets and highways of the state.

Section 318.18, F.S., relating to penalties for speeding, provides for moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	$ 25
10-14 m.p.h.	$100
15-19 m.p.h.	$125
20-29 m.p.h.	$150
30 m.p.h. and above	$250

In posted construction zones, the fine for excessive speed is doubled if the violation occurs when construction workers are present or immediately adjacent to the roadway under construction. Revenue collected from fines is distributed between the state and local governments.

Speeding violations typically result in assessment of three points against the violator's driver's license, unless the infraction or offense is among those considered as more serious. For example, speeding in excess of 15 mph over the posted limit requires an assessment of four points, and speeding resulting in a crash requires an assessment of 6 points. Section 322.27, F.S., sets out the points system for traffic violations.

Effect of Proposed Changes

HB 1465 w/CS creates s. 316.1893, F.S., establishing the Legislature's intent to maximize public safety and prevent vehicular fatalities by prioritizing the enforcement of speeding laws on the segments of the state's highways in Brevard, Duval, and St. Johns Counties that have the most dangerous incidence of fatalities. The bill provides for a pilot project which requires FDOT to establish enhanced penalty zones on state highways where there is a high incidence of fatal crashes by July 1, 2007, and grants FDOT authority to set maximum and minimum speed limits within the pilot project enhanced penalty zones. The bill also directs the FDOT to adopt a uniform system of traffic control devices for use in conjunction with enhanced penalty zones.

The bill also directs the DHSMV to annually publish the date, time, and number of citations issued both in and outside enhanced penalty zones in the pilot project counties, and to make available statistical information based on the traffic citations issued inside the enhanced penalty zones.

HB 1465 w/CS directs FDOT, the Department of Education and DHSMV to jointly conduct a study of highway safety and transportation issues to identify measures to reduce highway traffic fatalities by one-third of the 2005 traffic fatality statistic. Results of the study must be presented to Governor, President of the Senate, and the Speaker of the House of Representatives by July 1, 2007.

The bill amends s. 318.18, F.S., to increase fines for persons cited for exceeding the speed limit in an enhanced penalty zone by $50. The fines will be assessed as follows:

For speed exceeding the limit by:	Fine:	Enhanced Penalty Zone Fine:	Posted Construction Zone Fine:
1-5 m.p.h.	Warning	$50	Warning
6-9 m.p.h.	$ 25	$75	$50
10-14 m.p.h.	$100	$150	$200
15-19 m.p.h.	$125	$175	$250
20-29 m.p.h.	$150	$200	$300
30 m.p.h. and above	$250	$300	$500

The bill also amends s. 318.21, F.S., to provide for the allocation of 50 percent of the funds received from the $50 fine imposed by the bill to be appropriated to the Agency for Health Care Administration to provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries. The bill provides the remaining 50 percent of the funds will be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers, within the county limits of the pilot program. These funds are to be allocated as follows:

- 50 percent are to be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services; and
- 50 percent are to be allocated among all Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

The bill amends s. 318.21, F.S., to correct cross references relating to the distribution and monthly payment of civil penalties by county courts. The bill reenacts certain provisions of ss. 318.14, 318.15, 318.21, 402.40, and 985.406, F.S. for the purpose of incorporating the amendment made by this bill to s. 318.18, F.S.

C. SECTION DIRECTORY:

Section 1. Creates s. 316.1893, F.S., relating to establishment of enhanced penalty zones.

Section 2. Directs the DHSMV, DOT and Department of Education to conduct a study of highway safety and transportation issues and report to the Governor and the Legislature no later than July 1, 2007.

Section 3. Amends s. 318.18, F.S., provides penalties for a violation of posted speed in an enhanced penalty zone.

Section 4. Amends s. 318.21, F.S., to correct cross-references to conform changes made by the act, and providing for the allocation of the funds received from the enhanced fine.

Section 5. Reenacting s. 318.14(2), (5), and (9), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 6. Reenacting s. 318.15(1) (a) and (2), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 7. Reenacting s. 318.21(7), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 8. Reenacting s. 402.40(4) (b), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S., and

Section 9. Reenacting s. 985.406(4) (b), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 10. Providing the bill will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS section, below.

2. Expenditures:

   See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   See FISCAL COMMENTS section, below.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS section, below.

D. FISCAL COMMENTS:

Establishing "enhanced penalty zones" may result in the issuance of an increased number of citations, and the assessment of additional traffic penalties and court costs within pilot project counties. However, because it is impossible to forecast how many additional violations will occur and be cited, the fiscal impact on state and local governments is unknown. Also, signage and enforcement efforts could have a deterrent effect on drivers who speed, thereby reducing the number of speeding citations issued.

To the extent that the bill results in additional citations being issued, additional traffic penalties would be collected. These additional funds would primarily benefit certain nursing homes and trauma centers in the pilot projects counties.

To the extent that the bill could prevent vehicular fatalities by prioritizing enforcement on segments of highways that have a high incidence of fatalities, crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs.

The fiscal impact to the FDOT relating to establishing enhanced penalty zones in the three pilot project counties is unknown due to the indeterminate number of zones to be designated, however it is not expected to be significant.

The fiscal impact to the FDOT, Department of Education, and DHSMV to jointly study and identify improvements to reduce Florida's traffic fatalities by one-third is unknown, but likely insignificant.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006 the Transportation Committee amended HB 1465 to provide for the allocation of 50 percent of the moneys received from the enhanced fine imposed by the bill to be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers.

The committee then voted 15-2 to report the bill favorably with committee substitute.

At the April 11, 2006 meeting, the Transportation & Economic Development Appropriations Committee approved HB 1465 w/CS with three amendments. The first amendment narrowed the requirement for FDOT to establish enhanced penalty zones on state highways throughout the state, to a pilot project in only Brevard, Duval and St. Johns Counties. The second amendment provided speed limit signs in construction zones must include notification that the fines are double the normal speeding fine, and restores the provision in current law that fines are doubled only if construction personnel are present. The third amendment clarified that 50 percent of the funds received from fines must provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries.

CHAMBER ACTION

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1 The Transportation & Economic Development Appropriations
2 Committee recommends the following:
3
4 **Council/Committee Substitute**
5 Remove the entire bill and insert:
6 A bill to be entitled
7 An act relating to speed limit enforcement on state roads;
8 creating s. 316.1893, F.S.; providing legislative intent;
9 creating a pilot program for establishment by the
10 Department of Transportation of enhanced penalty zones on
11 state roads in certain counties; providing for future
12 review and repeal of the pilot program; authorizing the
13 department to set speed limits within enhanced penalty
14 zones; directing the department to adopt a uniform system
15 of traffic control devices to be used within the zones;
16 prohibiting operation of a vehicle at a speed greater than
17 that posted in the enhanced penalty zone; directing the
18 Department of Highway Safety and Motor Vehicles to
19 tabulate citations issued within enhanced penalty zones
20 and make available certain information; directing the
21 Department of Transportation, the Department of Highway
22 Safety and Motor Vehicles, and the Department of Education
23 to conduct a study and report to the Governor and the

24 Legislature for certain purposes; amending s. 318.18,
25 F.S.; specifying criteria for posting in a construction
26 zone; providing penalties for violation of posted speed in
27 an enhanced penalty zone; amending s. 318.21, F.S.;
28 correcting cross-references to conform to changes made by
29 the act; providing for disposition of fines collected;
30 reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and
31 (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S.,
32 relating to noncriminal traffic infraction procedures,
33 failure to comply with civil penalty or to appear,
34 disposition of civil penalties by county courts, child
35 welfare training, and juvenile justice training academies,
36 respectively, for the purpose of incorporating the
37 amendment made to s. 318.18, F.S., in references thereto;
38 providing an effective date.
39
40 Be It Enacted by the Legislature of the State of Florida:
41
42 Section 1. Section 316.1893, Florida Statutes, is created
43 to read:
44 316.1893 Establishment of enhanced penalty zones;
45 designation.--
46 (1) It is the intent of the Legislature to prevent
47 vehicular fatalities by prioritizing enforcement on segments of
48 highways that have a high incidence of speed-related crashes.
49 Enforcement shall also be prioritized during the times that
50 speed-related crashes most often occur. The enforcement of these
51 zones shall be in a way that maximizes public safety.

52 (2) No later than July 1, 2007, the Department of
53 Transportation shall identify enhanced penalty zones on state
54 roads in Brevard, Duval, and St. Johns Counties as a pilot
55 program in an effort to reduce speed-related crashes on state
56 roads. This pilot program shall stand repealed July 1, 2009,
57 unless reviewed and saved from repeal through reenactment by the
58 Legislature.
59 (3) The Department of Transportation, pursuant to the
60 authority granted under s. 316.187, is authorized to set such
61 maximum and minimum speed limits for travel within enhanced
62 penalty zones as it deems safe and advisable.
63 (4) The Department of Transportation shall adopt a uniform
64 system of traffic control devices for use in conjunction with
65 enhanced penalty zones pursuant to the authority granted under
66 s. 316.0745.
67 (5) A person may not drive a vehicle on a roadway
68 designated as an enhanced penalty zone at a speed greater than
69 that posted in the enhanced penalty zone in accordance with this
70 section. A person who violates the speed limit within a legally
71 posted enhanced penalty zone established under this section
72 commits a moving violation, punishable as provided in chapter
73 318.
74 (6) The Department of Highway Safety and Motor Vehicles
75 shall annually publish the date, time, and number of citations
76 issued both in and outside enhanced penalty zones and shall make
77 available statistical information based thereon as to the number
78 and circumstances of traffic citations inside an enhanced
79 penalty zone.

80 Section 2. The Department of Transportation, the
81 Department of Highway Safety and Motor Vehicles, and the
82 Department of Education shall jointly conduct a study of highway
83 safety and transportation issues as they relate to public
84 safety, including, but not limited to, engineering, enforcement,
85 and policy, to identify measurable improvements to reduce
86 highway traffic fatalities by one-third of the 2005 traffic
87 death statistics. The results of the study shall be presented to
88 the Governor, the President of the Senate, and the Speaker of
89 the House of Representatives no later than July 1, 2007, for a
90 public hearing and development of legislative recommendations.
91 Section 3. Paragraph (d) of subsection (3) of section
92 318.18, Florida Statutes, is amended, paragraphs (e) and (f) of
93 that subsection are redesignated as paragraphs (f) and (g),
94 respectively, and a new paragraph (e) is added to that
95 subsection, to read:
96 318.18 Amount of civil penalties.--The penalties required
97 for a noncriminal disposition pursuant to s. 318.14 are as
98 follows:
99 (3)
100 (d) A person cited for exceeding the speed limit in a
101 posted construction zone, which posting must include
102 notification of the speed limit and the doubling of fines, shall
103 pay a fine double the amount listed in paragraph (b). The fine
104 shall be doubled for construction zone violations only if
105 construction personnel are present or operating equipment on the
106 road or immediately adjacent to the road under construction.

107 (e) A person cited for exceeding the speed limit in an
108 enhanced penalty zone shall pay a fine amount of $50 plus the
109 amount listed in paragraph (b). Notwithstanding paragraph (b), a
110 person cited for exceeding the speed limit by up to 5 m.p.h. in
111 a legally posted enhanced penalty zone shall pay a fine amount
112 of $50.
113 Section 4. Subsections (4) and (5) of section 318.21,
114 Florida Statutes, are amended, and subsection (15) is added to
115 that section, to read:
116 318.21 Disposition of civil penalties by county
117 courts.--All civil penalties received by a county court pursuant
118 to the provisions of this chapter shall be distributed and paid
119 monthly as follows:
120 (4) Of the additional fine assessed under s.
121 318.18(3)(f) ~~(e)~~ for a violation of s. 316.1301, 40 percent must
122 be remitted to the Department of Revenue for deposit in the
123 Grants and Donations Trust Fund of the Division of Blind
124 Services of the Department of Education, and 60 percent must be
125 distributed pursuant to subsections (1) and (2).
126 (5) Of the additional fine assessed under s.
127 318.18(3)(f) ~~(e)~~ for a violation of s. 316.1303, 60 percent must
128 be remitted to the Department of Revenue for deposit in the
129 endowment fund for the Florida Endowment Foundation for
130 Vocational Rehabilitation, and 40 percent must be distributed
131 pursuant to subsections (1) and (2) of this section.
132 (15) Of the additional fine assessed under s. 318.18(3)(e)
133 for a violation of s. 316.1893, 50 percent of the moneys
134 received from the fines shall be appropriated to the Agency for

135 Health Care Administration as general revenue to provide an
136 enhanced Medicaid payment to nursing homes that serve Medicaid
137 recipients with brain and spinal cord injuries. The remaining 50
138 percent of the moneys received from the enhanced fine imposed
139 under s. 318.18(3)(e) shall be remitted to the Department of
140 Revenue and deposited into the Department of Health
141 Administrative Trust Fund to provide financial support to
142 certified trauma centers in Brevard, Duval, and St. Johns
143 Counties to ensure the availability and accessibility of trauma
144 services. Funds deposited into the Administrative Trust Fund
145 under this subsection shall be allocated as follows:
146 (a) Fifty percent shall be allocated equally among all
147 Level I, Level II, and pediatric trauma centers in recognition
148 of readiness costs for maintaining trauma services.
149 (b) Fifty percent shall be allocated among Level I, Level
150 II, and pediatric trauma centers based on each center's relative
151 volume of trauma cases as reported in the Department of Health
152 Trauma Registry.
153 Section 5. For the purpose of incorporating the amendment
154 made by this act to section 318.18, Florida Statutes, in
155 references thereto, subsections (2), (5), and (9) of section
156 318.14, Florida Statutes, are reenacted to read:
157 318.14 Noncriminal traffic infractions; exception;
158 procedures.--
159 (2) Except as provided in s. 316.1001(2), any person cited
160 for an infraction under this section must sign and accept a
161 citation indicating a promise to appear. The officer may
162 indicate on the traffic citation the time and location of the

163 scheduled hearing and must indicate the applicable civil penalty
164 established in s. 318.18.
165 (5) Any person electing to appear before the designated
166 official or who is required so to appear shall be deemed to have
167 waived his or her right to the civil penalty provisions of s.
168 318.18. The official, after a hearing, shall make a
169 determination as to whether an infraction has been committed. If
170 the commission of an infraction has been proven, the official
171 may impose a civil penalty not to exceed $500, except that in
172 cases involving unlawful speed in a school zone or involving
173 unlawful speed in a construction zone, the civil penalty may not
174 exceed $1,000; or require attendance at a driver improvement
175 school, or both. If the person is required to appear before the
176 designated official pursuant to s. 318.19(1) and is found to
177 have committed the infraction, the designated official shall
178 impose a civil penalty of $1,000 in addition to any other
179 penalties and the person's driver's license shall be suspended
180 for 6 months. If the person is required to appear before the
181 designated official pursuant to s. 318.19(2) and is found to
182 have committed the infraction, the designated official shall
183 impose a civil penalty of $500 in addition to any other
184 penalties and the person's driver's license shall be suspended
185 for 3 months. If the official determines that no infraction has
186 been committed, no costs or penalties shall be imposed and any
187 costs or penalties that have been paid shall be returned. Moneys
188 received from the mandatory civil penalties imposed pursuant to
189 this subsection upon persons required to appear before a
190 designated official pursuant to s. 318.19(1) or (2) shall be

191 remitted to the Department of Revenue and deposited into the
192 Department of Health Administrative Trust Fund to provide
193 financial support to certified trauma centers to assure the
194 availability and accessibility of trauma services throughout the
195 state. Funds deposited into the Administrative Trust Fund under
196 this section shall be allocated as follows:
197 (a) Fifty percent shall be allocated equally among all
198 Level I, Level II, and pediatric trauma centers in recognition
199 of readiness costs for maintaining trauma services.
200 (b) Fifty percent shall be allocated among Level I, Level
201 II, and pediatric trauma centers based on each center's relative
202 volume of trauma cases as reported in the Department of Health
203 Trauma Registry.
204 (9) Any person who does not hold a commercial driver's
205 license and who is cited for an infraction under this section
206 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
207 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
208 of a court appearance, elect to attend in the location of his or
209 her choice within this state a basic driver improvement course
210 approved by the Department of Highway Safety and Motor Vehicles.
211 In such a case, adjudication must be withheld; points, as
212 provided by s. 322.27, may not be assessed; and the civil
213 penalty that is imposed by s. 318.18(3) must be reduced by 18
214 percent; however, a person may not make an election under this
215 subsection if the person has made an election under this
216 subsection in the preceding 12 months. A person may make no more
217 than five elections under this subsection. The requirement for
218 community service under s. 318.18(8) is not waived by a plea of

219 nolo contendere or by the withholding of adjudication of guilt
220 by a court.
221 Section 6. For the purpose of incorporating the amendment
222 made by this act to section 318.18, Florida Statutes, in
223 references thereto, paragraph (a) of subsection (1) and
224 subsection (2) of section 318.15, Florida Statutes, are
225 reenacted to read:
226 318.15 Failure to comply with civil penalty or to appear;
227 penalty.--
228 (1)(a) If a person fails to comply with the civil
229 penalties provided in s. 318.18 within the time period specified
230 in s. 318.14(4), fails to attend driver improvement school, or
231 fails to appear at a scheduled hearing, the clerk of the court
232 shall notify the Division of Driver Licenses of the Department
233 of Highway Safety and Motor Vehicles of such failure within 10
234 days after such failure. Upon receipt of such notice, the
235 department shall immediately issue an order suspending the
236 driver's license and privilege to drive of such person effective
237 20 days after the date the order of suspension is mailed in
238 accordance with s. 322.251(1), (2), and (6). Any such suspension
239 of the driving privilege which has not been reinstated,
240 including a similar suspension imposed outside Florida, shall
241 remain on the records of the department for a period of 7 years
242 from the date imposed and shall be removed from the records
243 after the expiration of 7 years from the date it is imposed.
244 (2) After suspension of the driver's license and privilege
245 to drive of a person under subsection (1), the license and
246 privilege may not be reinstated until the person complies with

247 all obligations and penalties imposed on him or her under s.
248 318.18 and presents to a driver license office a certificate of
249 compliance issued by the court, together with a nonrefundable
250 service charge of up to $47.50 imposed under s. 322.29, or
251 presents a certificate of compliance and pays the aforementioned
252 service charge of up to $47.50 to the clerk of the court or tax
253 collector clearing such suspension. Of the charge collected by
254 the clerk of the court or the tax collector, $10 shall be
255 remitted to the Department of Revenue to be deposited into the
256 Highway Safety Operating Trust Fund. Such person shall also be
257 in compliance with requirements of chapter 322 prior to
258 reinstatement.
259 Section 7. For the purpose of incorporating the amendment
260 made by this act to section 318.18, Florida Statutes, in a
261 reference thereto, subsection (7) of section 318.21, Florida
262 Statutes, is reenacted to read:
263 318.21 Disposition of civil penalties by county
264 courts.--All civil penalties received by a county court pursuant
265 to the provisions of this chapter shall be distributed and paid
266 monthly as follows:
267 (7) For fines assessed under s. 318.18(3) for unlawful
268 speed, the following amounts must be remitted to the Department
269 of Revenue for deposit in the Nongame Wildlife Trust Fund:
270
271 For speed exceeding the limit by: Fine:
272 1-5 m.p.h. $ .00
273 6-9 m.p.h. $ .25
274 10-14 m.p.h. $ 3.00

275 15-19 m.p.h. $ 4.00
276 20-29 m.p.h. $ 5.00
277 30 m.p.h. and above. $10.00
278
279 The remaining amount must be distributed pursuant to subsections
280 (1) and (2).
281 Section 8. For the purpose of incorporating the amendment
282 made by this act to section 318.18, Florida Statutes, in a
283 reference thereto, paragraph (b) of subsection (4) of section
284 402.40, Florida Statutes, is reenacted to read:
285 402.40 Child welfare training.--
286 (4) CHILD WELFARE TRAINING TRUST FUND.--
287 (b) One dollar from every noncriminal traffic infraction
288 collected pursuant to s. 318.14(10)(b) or s. 318.18 shall be
289 deposited into the Child Welfare Training Trust Fund.
290 Section 9. For the purpose of incorporating the amendment
291 made by this act to section 318.18, Florida Statutes, in a
292 reference thereto, paragraph (b) of subsection (4) of section
293 985.406, Florida Statutes, is reenacted to read:
294 985.406 Juvenile justice training academies established;
295 Juvenile Justice Standards and Training Commission created;
296 Juvenile Justice Training Trust Fund created.--
297 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--
298 (b) One dollar from every noncriminal traffic infraction
299 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
300 deposited into the Juvenile Justice Training Trust Fund.
301 Section 10. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1489 W/ CS State's Aerospace Industry
SPONSOR(S): Waters and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 2580

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Spaceport & Technology Committee	6 Y, 1 N, w/CS	Whittier	Saliba
2) Fiscal Council	23 Y, 0 N, w/CS	Gordon	Kelly
3) State Infrastructure Council		Whittier SW	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

On June 10, 2005, Governor Bush created the Commission on the Future of Space and Aeronautics in Florida (commission) by Executive Order No. 05-120. The commission was created to "assess and make recommendations on how to strengthen Florida's role as a leader in space and aeronautics and to maximize the economic development and job creation opportunities throughout the state." The commission released their final report in January 2006 with 18 recommendations to improve the future of the aerospace industry in Florida. HB 1489 w/CS contains some of these recommendations.

The bill repeals the Florida Space Research Institute (FSRI) and the Florida Aerospace Finance Corporation (FAFC), as well as their boards. The Florida Space Authority (FSA) is designated as Space Florida. Several responsibilities of the FSRI and FAFC are retained as those of Space Florida and others are eliminated and many existing FSA powers and duties are revised. The bill repeals the Spaceport Management Council.

The bill creates Space Florida as a public corporation, body politic, and subdivision of the state. Space Florida is directed to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development and education programs. It is also directed to coordinate with appropriate federal, state, and local entities, and other interested parties. It directs Space Florida to create a marketing campaign.

Space Florida is directed to do the following: 1) Seek federal support to upgrade the infrastructure and technologies at current state and federal launch sites; 2) Promote and facilitate launch activity by assisting commercial launch operators with completing documentation and authorization requirements from federal agencies; and 3) Pursue the development of additional commercial spaceports in partnership with local and federal government and private entities.

The bill directs the Department of Education to establish the Florida Center for Mathematics and Science Education Research at a state university and instructs Space Florida to collaborate with universities and other public or private entities to develop a proposal for a Center of Excellence for Aerospace that will foster and promote the research necessary to develop commercially promising, advanced, and innovative science and technology and transfer those discoveries to the commercial sector.

The bill increases the sales and use tax exemptions on machinery and equipment for space and defense firms from 25 percent to a full exemption. This is estimated to have an annualized negative impact of $2.8 million on the state General Revenue Fund in 2006. The bill appropriates $43 million nonrecurring from the General Revenue Fund and $7 million recurring from the General Revenue Fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill redesignates the Florida Space Authority as Space Florida and repeals the other two statutory space entities, as well as their boards: Florida Space Research Institute and the Florida Aerospace Finance Corporation. Some responsibilities of the latter two entities are retained as those of Space Florida and others are eliminated.

Ensure Lower Taxes: The bill increases the sales and use tax exemptions on machinery and equipment for space and defense firms from 25 percent to a full exemption.

B. EFFECT OF PROPOSED CHANGES:

Background

Governor's Commission on the Future of Space and Aeronautics in Florida

On June 10, 2005, Governor Bush created the Commission on the Future of Space and Aeronautics in Florida (commission) by Executive Order No. 05-120.[1] The commission was created to "assess and make recommendations on how to strengthen Florida's role as a leader in space and aeronautics to maximize the economic development and job creation opportunities throughout the state." The commission was composed of 16 space industry specialists, economists, and state personnel who met eight times to fulfill this directive. The commission released their final report in January 2006. The recommendations were as follows:

Talent

1) Integrate space and aeronautics industry needs into the State's cluster-based workforce development programs.
2) Ensure that space industry talent currently involved in the Space Shuttle program is retained after 2010.
3) Establish a Center for Mathematics and Science Education Research to enhance K-12 mathematics and science instruction quality.
4) Improve K-12 mathematics and science teacher availability through a greater emphasis on teacher recruitment.
5) Expand enrollment in, completions of, and retention of graduates from post-secondary degree programs in mathematics, science, and engineering, with emphasis on aerospace fields.
6) Provide hands-on opportunities for students to experience and learn about the aerospace industry.
7) Increase general awareness of aerospace activities.
8) Create a center of excellence with focus on space and aeronautics research and technology.

Economic Diversification

9) Position Florida to assemble, test, check out, launch, maintain, and refurbish the Crew Exploration Vehicle.
10) Reaffirm space and aeronautics as a statewide target industry with Enterprise Florida as the lead business development agency.
11) Expand the tools available for recruitment of space and aeronautics businesses.

[1] Available at http://www.myflorida.com/myflorida/government/governorinitiatives/space_commission/05-120.html.

12) Provide targeted support and venture capital for aerospace technology businesses that are created in Florida.

Space Launch Environment

13) Support federal efforts to renew and upgrade the infrastructure and technologies at the Cape Canaveral Spaceport and Eastern Range to support the nation's Vision, new military programs, and commercial growth.
14) Improve highway, rail, and waterway connections to the Cape Canaveral Spaceport.
15) Advocate for enhanced federal procedures and customer service for commercial launches.
16) Plan and develop a commercial spaceport targeted initially at horizontal launches and located separately from the federal lands at the Cape.

Management

17) Consolidate Florida's existing space entities into a new organization, Space Florida.
18) Provide dedicated funding to support innovative education programs or other space initiatives.[2]

State Space Entities in Florida

There are three statutory space entities in Florida: The Florida Space Authority (FSA), the Florida Space Research Institute (FSRI), and the Florida Aerospace Finance Corporation (FAFC). Each space entity is governed by a board with appointed members. Each board is made up of a combination of public and private sector representatives intended to bring industry expertise to the issues. The FSA executive director serves as a board member on both the FSRI and FAFC boards. Enterprise Florida, Inc., serves on the FSRI and FAFC boards, however, not on the FSA board. Additionally, the Enterprise Florida, Inc., board is not specifically required to maintain space representation.[3] Enterprise Florida, Inc., sponsors two stakeholder groups with a relationship to aerospace: the Florida Aviation Aerospace Alliance and the Florida Defense Alliance.

Florida Space Authority

In 1989, the Legislature created the Spaceport Florida Authority Act which established the Spaceport Florida Authority. In 2002, the Legislature renamed it the Florida Space Authority.[4] Originally conceived as a space transportation authority, Chapter 331, F.S., empowered FSA to perform nearly every function required to develop and operate a spaceport.[5]

Section 331.302(1), F.S., provides legislative intent that the FSA:

- Provide a unified direction for space-related economic growth and educational development to do the following:
  - Ensure a stable and dynamic economic climate;
  - Attract and maintain space-related businesses suitable to the state; and
  - Further the coordination and development of Florida's economy.

Section 331.302(3), F.S., further provides the FSA with the following purposes, functions, and responsibilities:

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[2] *Governor's Commission on the Future of Space and Aeronautics in Florida Final Report*, January 2006, p. 4-1.
[3] *See* s. 288.901, F.S.
[4] On November 20, 2001, the Spaceport Florida Authority's Board of Supervisors voted to change the authority's name to reflect a shift from the authority's mission of primarily launch facilitation to the comprehensive planning and implementation of all phases of space business and economic development, including research and development. The name change of the authority was amended into statutes during the 2002 legislative session. See House of Representatives Staff Analysis for HB 1557, February 24, 2002, pp. 2-3.
[5] Available at www.floridaspaceauthority.com.

- Develop a strategy for, and implement the acceleration of, space-related economic growth and educational development within the state;
- Provide projects in the state which will develop and improve the entrepreneurial atmosphere;
- Provide coordination among space businesses, Florida universities, space tourism and the Spaceport Florida launch centers; and
- Provide activities designed to stimulate the development of space commerce.[6]

In accordance with s. 331.308, F.S., the FSA Board of Supervisors (board) currently is composed of eight regular members that are appointed by the Governor, a state senator ex officio nonvoting member, a state representative ex officio nonvoting member, and the Lt. Governor, who is chair of the board. All regular members are subject to confirmation by the Senate. The board members must have experience in the aerospace or commercial space industry or in finance, or have other significant relevant experience. Further, one member must represent organized labor interests, one must represent minority interests, and four must represent the space industry.

Florida Space Research Institute

In 1999, the legislature created the Florida Space Research Institute. Originally recommended in a 1988 Space Commission report,[7] FSRI was created to expand and diversify the state's involvement in space research and technology development. In accordance with s. 331.368(1), F.S., FSRI is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.[8]

On December 15th of each year, FSRI is to report its annual activities and accomplishments to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education. Further, FSRI is to include the following in its report:

- Provide recommendations regarding actions the state should take to enhance the development of space-related businesses, including:
  - Future research activities;
  - The development of capital and technology assistance to new and expanding industries;
  - The removal of regulatory impediments;
  - The establishment of business development incentives; and
  - The initiation of education and training programs to ensure a skilled workforce.[9]

Florida Aerospace Finance Corporation

In 1999, the legislature also created the Florida Commercial Space Financing Corporation and, in 2002, the legislature renamed it the Florida Aerospace Finance Corporation. As provided in s. 331.407(1), F.S., the purpose of FAFC is to expand employment and income opportunities for residents of this state by providing businesses domiciled in this state with information, technical assistance, and financial assistance.[10]

The purpose of these functions is to support space-related transactions in order to increase the development of commercial aerospace products, activities, services, and facilities within the state. Chapter 331, F.S., authorizes FAFC to do the following:

- Insure, coinsure, lend, and guarantee loans;
- Capitalize, underwrite, and secure funding;
- Construct, lease, or sell aerospace infrastructure, satellites, launch vehicles, and related activities;

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[6] *See* s. 331.302, F.S.
[7] *Florida Governor's Commission on Space Final Report to Governor Martinez, Steps to the Stars*, July 7, 1988, p. 36.
[8] *See* s. 331.368(1), F.S.
[9] *See* s. 331.368(8), F.S.
[10] *See* s. 331.407(1), F.S.

- Acquire property;
- Make and exercise contracts;
- Make direct, guaranteed, or collateralized loans; and
- Create an account for the purposes of receiving state, federal, and financial resources, and to invest in permissible securities.

It is generally understood within the industry that FSRI and FAFC were "spun off" of FSA to provide specialized focus on the accomplishment of specific purposes. An alternative explanation is that the policy scope was too large for one entity and that there was a need for additional organizations as conceived in the 1988 report.

Spaceport Management Council

Section 331.367, F.S., authorizes the Spaceport Management Council (management council), which coordinates between government agencies and commercial operators for the purpose of developing recommendations on projects and activities to increase the operability and capabilities of the state's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, research, and technology development. The management council is also to create an integrated facility plan and programmatic development plans to address commercial, state, and federal requirements. They are to identify appropriate private, state, and federal resources to implement those plans.

The management council has an executive board which is composed of the executive director of FSA, the Secretary of Transportation, the president of Enterprise Florida, Inc., and the director of the Office of Tourism, Trade, and Economic Development. The management council also has a Space Industry Committee, which is made up of representatives of Florida's space industry.

Although required by s. 331.367(8), F.S., to meet at least semi-annually, this council, created in 1999, has not functioned as an advisory panel for several years. According to the FSA, this is because the federal members have stated that they cannot participate in such a council due to restrictions placed on them by the Federal Advisory Act.

> The federal government agencies (NASA/KSC and the USAF)[11] are the landlords of the spaceport, and thus control all activity thereon. The goals of the management council were defeated through lack of authority to implement initiatives. Out of frustration, interest in the council dissolved.[12]

Section 331.367(4)(c), F.S., allows participation by federal entities to contribute to the management council's effectiveness; however their participation is not mandatory.

Sections 331.367(6) and (7), F.S., require the council to provide "infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan" and provide "requirements and other information to be utilized in the development of a 5-year Spaceport Economic Plan..." Although these plans have been prepared, it has been without the statutorily-required input of the council.

Tax Exemptions for Space Flight Businesses

Section 212.08(5)(j), F.S., provides a 25% tax exemption for machinery and equipment used in defense and space technology facilities to manufacture, process, compound, or produce defense or space products. By definition, this does not include design or creation of a space flight vehicle or components of a space flight vehicle. Section 212.031(1)(a)13., F.S., provides an exemption from the sales tax

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[11] NASA stands for National Aeronautics and Space Administration; KSC stands for the John F. Kennedy Space Center; and USAF stands for the United States Air Force.
[12] Florida's 2006 Space Strategy, Florida Space Authority, p. 15.

imposed on the rental of real property for property used for space flight business purposes. "Space flight business" is defined as the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight,[13] or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto.

A number of developments in recent years are significantly affecting space enterprises in Florida. In January 2004, President Bush committed the United States to a long-term human and robotic program to explore the solar system, starting with a return to the Moon that will ultimately enable future exploration of Mars and other destinations. The President's plan envisions completion of the International Space Station, retirement of the Space Shuttle by 2010, and the introduction of a new Crew Exploration Vehicle (CEV).

The President's new vision has significant implications for Florida. More than half of Florida's current space-related activities are linked to the Space Shuttle and the International Space Station. The smaller CEV will require significantly fewer personnel at the Kennedy Space Center.

The commission recommended increasing the sales and use tax exemptions for space and defense research, development, and production machinery and equipment from 25 to 100 percent.[14] The Governor's FY 2005-06 Budget Recommendations also include this proposed policy.

Centers of Excellence

In 2002, the Florida Technology Development Act (Technology Act) was enacted, which established a process for the State Board of Education to develop, approve, and authorize expenditures for one or more centers of excellence.[15] A center of excellence is one model to stimulate university to industry technology transfer. The Emerging Technologies Commission, created in the Technology Act, subsequently designated three centers of excellence and distributed $30 million, which was appropriated by the legislature for this purpose.

Currently, there are three technological Centers of Excellence in the state: The Center of Excellence for Regenerative Health Biotechnology at the University of Florida, the Center of Excellence in Biomedical and Marine Biotechnology at Florida Atlantic University, and Florida Photonics Center of Excellence at University of Central Florida. Each center received $10 million to facilitate collaborative public-private research, create partnerships between industrial and governmental entities to advance knowledge and research, recruit and retain eminent scholars in advanced technology disciplines, and move technologies from academic laboratories to commercial sectors.

The authorizing legislation, s. 1004.225, F.S., sunset on July 1, 2004. Legislation reestablishing centers of excellence failed to pass during the 2005 Legislative Session.

Center for Mathematics and Science Education Research

The Governor's Commission recommended that a Center for Mathematics and Science Education Research be established at a university to enhance the quality of K-12 math and science instruction in the state. The report specified the following:

> Modeled after the existing Center for Reading Research, this Center should identify and disseminate effective teaching strategies and materials for science, mathematics, and related disciplines. The Center should be organized with regional

[13] Section 212.02(23), F.S., defines "space flight" as any flight designed for suborbital, orbital, or interplanetary travel of a space vehicle, satellite, or station of any kind.
[14] *Governor's Commission on the Future of Space and Aeronautics in Florida Final Report*, January 2006, p. 3-15.
[15] *See* SB 1844, enrolled, 2002 Legislative Session.

partners who can assist in disseminating information and helping teachers and school systems identify professional development programs that can implement key research findings. The Center can build upon existing programs such as FSRI's Project Launch, which uses space as an overarching theme to help improve mathematics and science teaching, particularly in low-performing schools.[16]

The Department of Education noted the following:

> The establishment of the Florida Center for Mathematics and Science supports the current efforts of secondary reform in Florida. The proposed high school reform efforts include increased graduation requirements in the area of mathematics. The creation of the center would also help facilitate a decreased need for remediation among graduates of Florida's public high schools upon matriculation into postsecondary. The percent of Florida high school graduates entering our community college system in need of remediation in mathematics was 54% in 2003-2004. Additionally, two critical teacher shortage areas are mathematics and science.[17]

Effects of the Bill

HB 1489 w/CS contains some of the commission's recommendations regarding the future of aerospace in Florida.

The bill redesignates FSA as Space Florida and dissolves the three statutory entities, FSA, FSRI, and FAFC, effective September 1, 2006.[18] The bill renames FSA as Space Florida throughout Chapter 331 and cross-references in other chapters of the Florida Statutes. It also changes the name of Space Florida's "Board of Supervisors" to "Board of Directors" and the "executive director" to the "president." Space Florida, as the successor organization, is to assume the records, property, obligations, and unexpended balances of appropriations, allocations, or other funds of, the three former entities.

Legislative Findings and Intent

The bill provides legislative findings and intent that there should be a single, private-public board to strengthen civil and military aerospace activity and emerge as a leader in space exploration and commercial aerospace opportunities, including the integration of space, aeronautics and aviation technologies. The intent is that there be a single point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector. The bill provides intent that Space Florida will do the following:

- Encourage public and private sectors to work together to enhance the state's workforce, education, and research capabilities with emphasis on math, science, engineering, and related fields;
- Focus on the state's economic development efforts in order to capture a larger share of activity in aerospace research, technology, production, and commercial operations, while maintaining the state's historical leadership in space launch activities; and
- Preserve the national role served by the Cape Canaveral Air Force Station and Kennedy Space Center by reducing costs and improving the regulatory flexibility for commercial launches while pursuing the development of sites for commercial horizontal launches.

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[16] *Florida Governor's Commission on the Future of Space and Aeronautics in Florida Final Report*, January 2006, p. 3-7.
[17] 2006 Legislative Bill Analysis for SB 2580, Department of Education, March 22, 2006, p. 3
[18] The effective date of the act is "upon becoming a law."

Definitions

The bill expands the definitions of the following terms: aerospace, launch pad, person, and project to more accurately reflect the inclusion of commercial space flight activity and emerging technologies within the aerospace industry.

Purpose and Duties of Space Florida

The bill creates Space Florida as a public corporation, body politic, and subdivision of the state governed by a board. It is not clear the type of constitutional organization that is created. However, a 1994 Attorney General Opinion found that the Florida Space Authority, also created as a public corporation, body politic, and subdivision of the state, is an independent special district as defined in s. 189.403(3), F.S.[19]

Space Florida is directed to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs. It is also directed to advise, coordinate, cooperate, and, when necessary, enter into memoranda of agreement with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies, and organizations, and other interested persons and groups. Space Florida cannot endorse public office candidates or contribute money to public office campaigns.

The bill changes the due date of the annual report made to the Legislature consisting of a summary of all travel, entertainment, and incidental expenses from the previous fiscal year from November 30 to September 1. It requires an annual performance report due by September 1 for the prior fiscal year.

Currently, a corporation may not incorporate or transact business in the state using the name "spaceport Florida" or "Florida spaceport" without written approval from FSA. The bill expands this list to limit utilization of the names "Space Florida," "Florida Space Authority," "Florida Space Research Institute," and "Florida Aerospace Finance Corporation" by other entities.

Section 331.3051, F.S., is created to assign Space Florida specific duties.

- By March 1, 2007, create a business plan which addresses:
  - Business development;
  - Finance;
  - Spaceport operations;
  - Research and development;
  - Workforce development; and
  - Education.

The remainder of this section categorizes duties within the target areas listed above.

For the business development and finance target areas of Space Florida's duties, the bill directs Space Florida to consult and coordinate with the following entities:

- The Commission on Tourism and EFI to develop a public advertising program promoting aerospace-related activities, businesses, or any Space Florida project.

- EFI to develop a plan to retain, expand, attract, and create public or private aerospace industry entities and to develop a plan to assist in the financing of aerospace businesses.

[19] Attorney General Opinion 94-85, October 12, 1994. NOTE: The opinion addressed the Spaceport Florida Authority; however the name of the entity was amended into statutes during the 2002 legislative session.

The bill directs Space Florida to create a marketing campaign to help attract, develop, and retain aerospace businesses, aerospace research and technology, and other related activities. It requires that the campaign be coordinated with any existing economic development promotion efforts in the state.

For the spaceport operations target area of Space Florida's duties, the bill directs Space Florida to do the following:

- Seek federal support and developing partnerships to renew and upgrade the infrastructure and technologies at the Cape Canaveral Air Force Station, Kennedy Space Center, and the Eastern Range and assist in clarifying roles and responsibilities of federal agencies and eliminate duplicative rules and policies in order to improve and streamline access for commercial launch activities.[20]
- Promote and facilitate launch activity by assisting commercial launch operators with completing documentation, approval, and authorization requirements from federal agencies.
- Consult with appropriate federal, state, and local authorities and the industry on all aspects of establishing and operating spaceport infrastructure and related facilities.
- Pursue the development of additional commercial spaceports in partnership with local and federal government and private entities.

For the research and development target areas, the bill directs that Space Florida contract for the operations of the state's Space Life Sciences Laboratory. This is a facility which houses a state-of-the-art space bio-imaging laboratory that provides life sciences research that will be needed for long-duration trips to the Moon and Mars. According to FSRI, the laboratory can support research in many areas, including astrobiology, biomedical space science (radiation effects, bone demineralization, and muscle atrophy) and bioregenerative life support.[21] Currently, FSRI co-manages this facility with NASA, and manages other leases with universities for use of the laboratory.

Also under the research and development target area of Space Florida's duties, the bill instructs Space Florida to collaborate with public and private universities and other public or private entities to develop a proposal for a Center of Excellence for Aerospace that will foster and promote the research necessary to "develop commercially promising, advanced, and innovative science and technology and will transfer those discoveries to the commercial sector." A center enables collaboration around research and technologies that support space, military, and defense sectors. See discussion of Centers of Excellence in *Present Situation*.

For the workforce development and education target areas, the bill directs Space Florida to consult and work in conjunction with the following entities:

- Workforce Florida, Inc., and to collaborate with Florida vocational institutes, community colleges, colleges, and public and private universities, to develop a plan to retain, train, and retrain workers with the skills most relevant to aeronautics employers.
- The Department of Education to develop innovative aerospace-related education programs that promote math and science education for grades K-20.

<u>Powers of Space Florida</u>

The bill moves the following powers from FAFC to Space Florida:

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[20] A repeated voiced concern by many commercial space operators is the lengthy process and large number of regulations that must be adhered to when operating a commercial launch on federal property.
[21] Florida Space Research Institute, 2005 Annual Report, p. 4.

- Insure, coinsure, lend, and guarantee loans and to originate for sale direct aerospace-related loans, pursuant to criteria, bylaws, policies, and procedures adopted by the board.
- Capitalize, underwrite, and secure funding for aerospace infrastructure, satellites, launch vehicles, and any service that supports aerospace launches.
- Construct, lease, or sell aerospace infrastructure, satellites, launch vehicles, and any other related activities and services.

The bill moves the following power from FSRI to Space Florida:

- Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.

The bill moves the power to establish a personnel management system to the board of directors.

The bill removes the power of eminent domain in spaceport territories from Space Florida. It also repeals s. 331.314, F.S., which provides that FSA has exclusive power and authority to regulate spaceports in Florida.

Board of Directors

A majority of the provisions regarding the composition of the board are the same. The major differences include the following:

- The Governor, rather than the Lieutenant Governor, is to serve as chair of the board.
- Designees of appointed members may not vote.
- Board members are required to file disclosure of financial interests pursuant to s. 112.3145, F.S.
- The board is increased from eight to 20 members. Requirements for membership of the board were increased to include eight Governor-appointed members from the private sector; one of which is to be a representative of organized labor,[22] and the following, including their designees: Governor, Secretary of Transportation, president of Workforce Florida, Inc., president of Enterprise Florida, Inc., president of Florida Tourism Commission's direct-support organization, and the Commissioner of Education. Six members are to be appointed from the private sector by the Senate and House of Representatives. There are also two non-voting ex officios - a Senator and a Member of the House of Representatives.

Powers and Duties of Board of Directors

Some provisions that were originally listed in statute as powers are changed to duties, such as selecting an executive director for Space Florida and adopting bylaws, rules, resolutions, and orders.

The bill retains the provision that the executive and Space Florida offices be maintained in close proximity to Kennedy Space Center.

The bill moves the following power from FSRI to Space Florida:

- To provide the strategic direction for the aerospace-related research priorities of the state and it's aerospace-related businesses, scope of research projects, and the timeframe for completion of the projects.

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[22] The Governor is directed to attempt to ensure that the board includes, but is not limited to, individuals representing the industries of business, finance, marketing, space, aerospace, aviation, defense, research and development, and education. The Governor is also to "consider whether the current members of the board, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state."

The board is authorized to finance aerospace business development projects or initiatives using the funds appropriated.

Personnel management and the establishment of procedures, rules, and rates governing per diem and travel expenses of employees are moved from the responsibility of Space Florida to the board.

The board no longer has the authority to change the name of Space Florida.

The Office of Tourism, Trade, and Economic Development

Section 14.2015, F.S., is amended by the bill to authorize the Office of Tourism, Trade, and Economic Development to serve as contract administrator for the Space Florida contract with the state.

Tax Issues

The bill amends s. 212.08(5)(j), F.S., which provides for sales and use tax exemptions. It adds "design" and "assemble" to the list of industrial machinery and equipment used in defense of space technology facilities and strikes the current 25 percent tax credit, allowing these items to be fully tax exempt. The bill expands the definition of research and development to include the "design, development, and testing of space launch vehicles, space flight vehicles, missiles, satellites, or research payloads, avionics, and associated control systems and processing systems, and components of any of the foregoing." It adds space flight vehicles and "components of any of the foregoing" to the definition of "space technology products."

Center for Mathematics and Science Education Research

The bill directs the Department of Education (DOE) to establish the Florida Center for Mathematics and Science Education Research at a state university to increase student achievement in those academic areas. DOE is to monitor the center through the Division of K-12 Public Schools. The bill requires the center to do the following:

- Provide technical assistance and support to school districts and schools in the development and implementation of math and science instruction;
- Conduct applied research on policy and practices related to math and science instruction and assessment in the state;
- Conduct or compile basic research regarding student acquisition of math and science knowledge and skills;
- Develop comprehensive course frameworks for math and science courses that emphasize rigor and relevance at the elementary, middle, and high school levels;
- Disseminate information regarding research-based teaching practices in math and science to teachers and teacher educators in the state;
- Collect, manage, and report on assessment information regarding student achievement in mathematics and science;
- Establish partnerships with state universities, community colleges, and school districts; and
- Collaborate with the Florida Center for Reading Research in order to provide research-based practices that integrate the teaching of reading within mathematics and sciences courses.

Spaceport Management Council

The bill repeals s. 331.367, F.S., which provides for the Spaceport Management Council.

Dissolution of FSA, FSRI, and FAFC

The bill dissolves the FSA, FSRI, and FAFC and their corresponding boards effective September 1, 2006. Space Florida will assume their records, property, obligations, and unexpended balances of appropriations, allocations, or other funds. Personnel are not included in the list for transfer. Most of the functions and responsibilities of FSRI and FAFC are not replicated in the language for Space Florida. There is a concern that many of the financial tools that FAFC currently has have been eliminated with the dissolution. The separate existence and not-for-profit status of this corporation allowed it to facilitate and accomplish deals that may not be available under the new language. Similarly, most of the research capabilities and partnerships that were available through FSRI and the advantages of its not-for-profit status seem to be obsolete under the amended chapter.

The bill directs the Governor, the Senate President, and the House Speaker to appoint the board of directors by July 1, 2006. The board is to hold its first meeting by August 1st and appoint a president by September 1st. The Executive Office of the Governor is to provide staffing and transitional support until December 31, 2006.

Appropriations

The bill provides the following nonrecurring appropriations from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development:

- $35 million to be used for infrastructure needs related to the development of the National Aeronautics and Space Administration's Crew Exploration Vehicle.
- $8 million for implementation of recommendations made by the Governor's Commission on the Future of Space and Aeronautics in Florida, including, but not limited to, commercial launch assistance and spaceport development.

The bill provides the following recurring appropriations from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development:

- $3 million for the operational needs of Space Florida.
- $4 million for implementation of innovative education programs and financing assistance for aerospace business development projects.

C. SECTION DIRECTORY:

Section 1. amends s. 331.301, F.S.; redesignates the "Florida Space Authority Act" as the "Space Florida Act."

Section 2. creates s. 331.3011, F.S.; provides legislative findings and intent.

Section 3. amends s. 331.302, F.S.; creates Space Florida; provides purpose.

Section 4. amends s. 331.303, F.S.; removes, revises, and provides definitions.

Section 5. amends s. 331.305, F.S., revises powers of Space Florida.

Section 6. creates s. 331.3051, F.S.; provides new duties for Space Florida.

Section 8. amends s. 331.308, F.S.; revises membership and requirements of the Space Florida board of directors.

Section 9. amends s. 331.309, F.S.; revises depository language.

Section 10. amends s. 331.310, F.S.; revises powers and duties of the board of supervisors.

Section 11. amends s. 331.3101, F.S.; revises annual report submission date.

Section 48. amends s. 331.355, F.S.; revises requirements for use of names.

Section 51. amends. s. 14.2015, F.S.; authorizes the Office of Tourism, Trade, and Economic Development to serve as contract administrator for the state with Space Florida.

Sections 52. amends s. 74.011, F.S.; removes Florida Space Authority from eminent domain language.

Sections 7, 12-47, 49, 50, and 53-58 amend ss. 196.012, 212.02, 288.063, 288.075, 288.35, 288.9415, 331.306, 331.311, 331.312, 331.313, 331.315, 331.316, 331.317, 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324, 331.325, 331.326, 331.327, 331.328, 331.329, 331.331, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338, 331.339, 331.340, 331.343, 331.345, 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.354, 331.360, and 331.369, F.S.; conform provisions and cross-references.

Section 59. amends s. 212.08, F.S.; expands the exemption from the sales and use tax on certain machinery and equipment.

Section 60. creates s. 1004.86, F.S.; requires the Department of Education to establish the Florida Center for Mathematics and Science Education Research at a public state university; specifying requirements for the center.

Section 61. repeals s. 331.314, F.S., relating to the exclusive authority of the Florida Space Authority to regulate spaceports; repeals s. 331.367, F.S., relating to the Spaceport Management Council; repeals s. 331.368, F.S., relating to the Florida Space Research Institute; repeals ss. 331.401, 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417, and 331.419, F.S., relating to the Florida Aerospace Finance Corporation.

Section 62. dissolves the Florida Space Authority, the Florida Space Research Institute, and the Florida Aerospace Finance Corporation.

Section 63. requires the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint the board of directors of Space Florida by a July 1, 2006; requires the board of directors of Space Florida to hold its first meeting by August 1, 2006; requires the board to appoint a president by September 1, 2006.

Section 64. amends s. 288.1224, F.S.; requires the Florida Commission on Tourism to advise and cooperate with Space Florida.

Section 65. amends 288.9015, F.S.; requires Enterprise Florida, Inc to advise and cooperate with Space Florida.

Section 66. amends 445.004, F.S.; requires Workforce Florida, Inc to advise and cooperate with Space Florida.

Section 67. amends s. 1001.10, F.S.; requires the Commissioner of Education to advise and cooperate with Space Florida.

Section 68. provides a $43 million appropriation of nonrecurring general revenue and a $7 million appropriation of recurring general revenue to the Office of Tourism, Trade and Economic Development.

Section 69. provides that the act take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The Revenue Estimating Conference estimated that the provisions of Section 59. of the bill (sales and use tax exemptions) will have an annualized negative impact of $2.8 million on the state General Revenue Fund in FY 2006.

2. Expenditures:

   The bill appropriates $43 million nonrecurring and $7 million recurring from the General Revenue Fund to the Office of Tourism, Trade and Economic Development.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The Revenue Estimating Conference estimates that the provisions of Section 59. of the bill (sales and use tax exemptions) will have an annualized negative impact of $.6 million on local revenues for FY 2006.

2. Expenditures:

   The bill is not expected to have an effect on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill reduces the tax burden on businesses that are eligible for the sales and use tax exemptions on machinery and equipment for space and defense.

D. FISCAL COMMENTS:

In Fiscal Year 2005-2006, the Legislature appropriated $2.9 million for Space Business Development, which included: $700,000 for Florida Space Authority – Operations; $550,000 for Florida Space Authority – Space Business Development; $550,000 for Florida Space Authority – Spaceport P&D; $300,000 for Florida Aerospace Financing Corporation, and $800,000 for the Florida Space Research Institute. In addition, $3 million was appropriated for Aerospace QTI/Crew Exploration Vehicle.

The Governor's budget recommendations for FY 2006-07 recommend $2 million from General Revenue for the purpose of establishing a Center for Mathematics and Science Education Research. It recommends $11 from General Revenue Space Florida operations and spaceport development.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not appear to require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

Section 6 of Article IV of the Florida Constitution provides that "all functions of the executive branch of state government shall be allotted among not more than twenty-five departments...." and that the administration of each department be placed under the direct supervision of any of five entities, one of which is the Governor. It would appear that Space Florida would constitute a department headed by the Governor. As an alternative, Space Florida could be assigned to an existing executive department and placed under the direct supervision of the head of such department.

Appointment of officers to a board is an executive duty. Providing the President of the Senate and the Speaker of the House of Representatives with appointment powers confuses the powers as assigned by the Florida Constitution. This might be considered a separation of powers concern.

If Space Florida, as created under this bill, is an independent special district, the bill is a general law of local application. Article III, section 11(a)(21) of the state constitution requires a three-fifths vote of the legislature to enact such laws.

B. RULE-MAKING AUTHORITY:

The bill provides Space Florida sufficient rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The FSA, FSRI, and FAFC are dissolved effective September 1, 2006, and Space Florida will assume their records, property, obligations, and unexpended balances of appropriations, allocations, or other funds. FSRI and FAFC are not-for-profit corporations established to carry out a specified public purpose. Without state funding, the corporations may cease to exist. Due diligence should be exercised with respect to financial matters and completion of tasks in which the corporations are currently engaged.

If the newly created Space Florida is found to be an independent special district, the bill is a general law of local application and requires a three-fifths votes of the legislature to be enacted.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006, the Spaceport and Technology Committee passed the bill as a committee substitute, adopting a strike-all amendment that included the following changes:

- Removed definitions of terms not referred to in Chapter 331.
- Changed approval of bond issuance vote from two-thirds of the Governor and Cabinet to three-fourths to accommodate the reduced number of cabinet members since the law was established.
- Added that business development projects could be funded with monies from the sales tax revenues collected from the Cape Canaveral Air Force Station and Kennedy Space Center and distributed to Space Florida (in Section 60 of the bill). The original bill only authorized the funds to be used for education initiatives.
- Added that Space Florida and its executive office must remain in close proximity to Kennedy Space Center.
- Increased the number of Governor-appointed members of the board from seven to eight, stipulating that one of the appointees must be a representative of organized labor.
- Added that members of the board of directors must be state residents.
- Provided for an annual performance report with respect to Space Florida's business plan.
- Removed memoranda of agreement language and replaced with direction to advise and cooperate with state entities and partners in the areas of economic development, marketing, and education.

- Made technical corrections.

At the April 4, 2006, meeting, the Fiscal Council approved HB 1489 w/CS with two amendments. The first amendment provided a $43 million nonrecurring appropriation from the General Revenue Fund and a $7 million recurring appropriation from the General Revenue Fund. The second amendment removed the section of the bill that directed sales tax collected from dealers at Cape Canaveral Air Force Station and the Kennedy Space Center be distributed to Space Florida to be used for business development projects and education initiatives.

CHAMBER ACTION

1 The Fiscal Council 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

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; creating s. 1004.86, F.S.; requiring the
46 Department of Education to establish the Florida Center
47 for Mathematics and Science Education Research at a public
48 state university; specifying requirements for the center;
49 repealing s. 331.314, F.S., relating to the exclusive
50 authority of the Florida Space Authority to regulate
51 spaceports; repealing s. 331.367, F.S., relating to the

52 Spaceport Management Council; repealing s. 331.368, F.S.,
53 relating to the Florida Space Research Institute;
54 repealing ss. 331.401, 331.403, 331.405, 331.407, 331.409,
55 331.411, 331.415, 331.417, and 331.419, F.S., relating to
56 the Florida Aerospace Finance Corporation; providing that
57 the Florida Space Authority, the Florida Space Research
58 Institute, and the Florida Aerospace Finance Corporation
59 are dissolved on a specified date; providing that Space
60 Florida assumes the records, property, and unexpended
61 balances of appropriations, allocations, and other funds
62 from the dissolved entities; requiring the Governor, the
63 President of the Senate, and the Speaker of the House of
64 Representatives to appoint the board of directors of Space
65 Florida by a specified date; requiring the board of
66 directors of Space Florida to hold its first meeting by a
67 specified date; amending ss. 228.1224, 288.9015, 445.004,
68 and 1001.10, F.S.; requiring the Florida Commission on
69 Tourism, Enterprise Florida, Inc., Workforce Florida,
70 Inc., and the Commissioner of Education to advise and
71 cooperate with Space Florida under certain circumstances;
72 providing appropriations; providing an effective date.
73
74 Be It Enacted by the Legislature of the State of Florida:
75
76 Section 1. Section 331.301, Florida Statutes, is amended
77 to read:
78 331.301 Short title.--This act may be cited as the "<u>Space</u>
79 Florida ~~Space Authority~~ Act."

80 Section 2. Section 331.3011, Florida Statutes, is created
81 to read:
82 331.3011 Legislative findings and intent.--
83 (1) The Legislature finds and declares that the aerospace
84 industry of this state is integral to the state's long-term
85 success in diversifying its economy and building a knowledge-
86 based economy that is able to support the creation of high
87 value-added businesses and jobs. Further, under the direction
88 and leadership of a single, private-public board, this state has
89 the opportunity to strengthen its existing leadership in civil
90 and military aerospace activity and emerge as a leader in the
91 nation's new vision for space exploration and commercial
92 aerospace opportunities, including the integration of space,
93 aeronautics, and aviation technologies. As the leading location
94 for talent, research, advanced technologies and systems
95 development, launch, and other aerospace-based industry
96 activities, this state can position itself for sustainable
97 economic growth and prosperity.
98 (2) The Legislature finds that attaining this vision
99 requires a strong public and private commitment to a world class
100 aerospace industry. It is the intent of the Legislature that
101 Space Florida will encourage the public and private sectors to
102 work together to implement an aggressive strategy that enhances
103 the state's workforce, education, and research capabilities,
104 with emphasis on mathematics, science, engineering, and related
105 fields; will focus on the state's economic development efforts
106 in order to capture a larger share of activity in aerospace
107 research, technology, production, and commercial operations,

108 while maintaining the state's historical leadership in space
109 launch activities; and will preserve the unique national role
110 served by the Cape Canaveral Air Force Station and John F.
111 Kennedy Space Center by reducing costs and improving the
112 regulatory flexibility for commercial sector launches while
113 pursuing the development of sites for commercial horizontal
114 launches.
115 (3) It is the intent of the Legislature that aerospace
116 activities be highly visible and coordinated within this state.
117 To that end, it is the intent of the Legislature that Space
118 Florida provide a single point of contact for state aerospace-
119 related activities with federal agencies, the military, state
120 agencies, businesses, and the private sector.
121 Section 3. Section 331.302, Florida Statutes, is amended
122 to read:
123 (Substantial rewording of section. See
124 s. 331.302, F.S., for present text.)
125 331.302 Space Florida; creation; purpose.--
126 (1) There is established, formed, and created Space
127 Florida, which is created and incorporated as a public
128 corporation, body politic, and subdivision of the state to
129 foster the growth and development of a sustainable and world-
130 leading aerospace industry in this state. Space Florida shall
131 promote aerospace business development by facilitating business
132 financing, spaceport operations, research and development,
133 workforce development, and innovative education programs. Space
134 Florida has all the powers, rights, privileges, and authority as
135 provided under the laws of this state.

136 (2) In carrying out its duties and responsibilities, Space
137 Florida shall advise, coordinate, cooperate, and, when
138 necessary, enter into memoranda of agreement with
139 municipalities, counties, regional authorities, state agencies
140 and organizations, appropriate federal agencies and
141 organizations, and other interested persons and groups.
142 (3) Space Florida may not endorse any candidate for any
143 elected public office or contribute money to the campaign of any
144 candidate for public office.
145 (4) Space Florida is not an agency as defined in ss.
146 216.011 and 287.012.
147 Section 4. Section 331.303, Florida Statutes, is amended
148 to read:
149 331.303 Definitions.--
150 (1) "Aerospace" means the industry that designs and
151 manufactures aircraft, rockets, missiles, spacecraft,
152 satellites, space vehicles, space stations, space facilities or
153 components thereof, and equipment, systems, facilities,
154 simulators, programs, and related activities. ~~"Authority" means~~
155 ~~the Florida Space Authority created by this act.~~
156 (2) "Board" or "board of directors ~~supervisors~~" means the
157 governing body of Space Florida ~~the authority~~.
158 (3) "Bonds" means revenue bonds, assessment bonds, or
159 other bonds or obligations issued by Space Florida ~~the authority~~
160 for the purpose of raising financing for its projects.
161 (4) "Business client" means any person, other than a state
162 official or state employee, who receives the services of, or is
163 the subject of solicitation by, representatives of Space Florida

164 ~~the authority~~ in connection with the performance of its
165 statutory duties, including purchasers or prospective purchasers
166 of Space Florida ~~authority~~ services, persons or representatives
167 of firms considering or being solicited for investment in Space
168 Florida ~~authority~~ projects, persons or representatives of firms
169 considering or being solicited for location, relocation, or
170 expansion of an aerospace-related ~~a space-related~~ business
171 within the state, and business, financial, or other persons
172 connected with the aerospace ~~space~~ industry.
173 ~~(5) "Complementary activity" means any space business~~
174 ~~incubator, space tourism activity, educational involvement in an~~
175 ~~incubator, or space tourism and space-related research and~~
176 ~~development.~~
177 ~~(6) "Conduit bond" means any bond of the authority which~~
178 ~~is a nonrecourse obligation of the authority payable from the~~
179 ~~proceeds of such bonds and related financing agreements.~~
180 (5) ~~(7)~~ "Cost" means all costs, fees, charges, expenses,
181 and amounts associated with the development of projects by Space
182 Florida ~~the authority~~.
183 (6) ~~(8)~~ "Entertainment expenses" means the actual,
184 necessary, and reasonable costs of providing hospitality for
185 business clients or guests, which costs are defined and
186 prescribed by rules adopted by Space Florida ~~the authority~~,
187 subject to approval by the Chief Financial Officer.
188 ~~(9) "Federal aid" means any property, funding, or other~~
189 ~~financial assistance provided by the Federal Government to the~~
190 ~~authority for its projects.~~

191 (7) ~~(10)~~ "Financing agreement" means a lease, lease-
192 purchase agreement, lease with option to purchase, sale or
193 installment sale agreement, whether title passes in whole or in
194 part at any time before ~~prior to~~, at, or after completion of the
195 project, loan agreement, or other agreement forming the basis
196 for the financing under this act, including any agreements,
197 guarantees, or security instruments forming part of or related
198 to providing assurance of payment of the obligations under the
199 ~~such~~ financing agreement.
200 (8) ~~(11)~~ "Guest" means a person, other than a state
201 official or state employee, authorized by the board or its
202 designee to receive the hospitality of Space Florida ~~the~~
203 ~~authority~~ in connection with the performance of its statutory
204 duties.
205 (9) ~~(12)~~ "Landing area" means the geographical area
206 designated by Space Florida ~~the authority~~ within the spaceport
207 territory for or intended for the landing and surface
208 maneuvering of any launch or other space vehicle.
209 (10) ~~(13)~~ "Launch pad" means any launch pad, runway,
210 airstrip, or similar facility used ~~by the spaceport or spaceport~~
211 ~~user~~ for launching ~~of~~ space vehicles.
212 (11) ~~(14)~~ "Payload" means any property or cargo to be
213 transported aboard any vehicle launched by or from the
214 spaceport.
215 (12) ~~(15)~~ "Person" means any individual, child, community
216 college, college, university, firm, association, joint venture,
217 partnership, estate, trust, business trust, syndicate,
218 fiduciary, corporation, nation, government (federal, state, or

219 local), agency (government or other), subdivision of the state,
220 municipality, county, business entity, or any other group or
221 combination.
222 (13) ~~(16)~~ "Project" means any development, improvement,
223 property, launch, utility, facility, system, works, road,
224 sidewalk, enterprise, service, or convenience, which may include
225 coordination with state partners or agencies ~~Enterprise Florida,~~
226 ~~Inc., the Board of Education, the Florida Aerospace Finance~~
227 ~~Corporation, and the Florida Space Research Institute~~; any
228 rocket, capsule, module, launch facility, assembly facility,
229 operations or control facility, tracking facility,
230 administrative facility, or any other type of aerospace-related
231 ~~space related~~ transportation vehicle, station, or facility; any
232 type of equipment or instrument to be used or useful in
233 connection with any of the foregoing; any type of intellectual
234 property and intellectual property protection in connection with
235 any of the foregoing including, without limitation, any patent,
236 copyright, trademark, and service mark for, among other things,
237 computer software; any water, wastewater, gas, or electric
238 utility system, plant, or distribution or collection system; any
239 small business incubator initiative, including any startup
240 aerospace company, and any aerospace business proposing to
241 expand or locate its business in this state, research and
242 development company, research and development facility,
243 education and workforce training facility, storage facility, and
244 consulting service; or any tourism initiative, including any
245 space experience attraction, microgravity flight program,

246 aerospace space-launch-related activity, and space museum
247 sponsored or promoted by Space Florida ~~the authority~~.
248 (14) ~~(17)~~ "Range" means the geographical area designated by
249 Space Florida ~~the authority~~ or other appropriate body as the
250 area for the launching of rockets, missiles, launch vehicles,
251 and other vehicles designed to reach high altitude.
252 (15) ~~(18)~~ "Recovery" means the recovery of space vehicles
253 and payloads which have been launched from or by a ~~the~~
254 spaceport.
255 (16) ~~(19)~~ "Spaceport" means any area of land or water, or
256 any manmade object or facility located therein, developed by
257 Space Florida ~~the authority~~ under this act, which area is
258 intended for public use or for the launching, takeoff, and
259 landing of spacecraft and aircraft, and includes any appurtenant
260 areas which are used or intended for public use, for spaceport
261 buildings, or for other spaceport facilities, spaceport
262 projects, or rights-of-way.
263 ~~(20) "Spaceport Florida" means the authority or its~~
264 ~~facilities and projects.~~
265 (17) ~~(21)~~ "Spaceport launch facilities" means ~~shall be~~
266 ~~defined as~~ industrial facilities as described in ~~accordance with~~
267 s. 380.0651(3)(c) and include any launch pad, launch control
268 center, and fixed launch-support equipment.
269 ~~(22) "Spaceport system" means the programs, organizations,~~
270 ~~and infrastructure developed by the authority for the~~
271 ~~development of facilities or activities to enhance and provide~~
272 ~~commercial space-related development opportunities for business,~~
273 ~~education, and government within the state.~~

274 (18) ~~(23)~~ "Spaceport territory" means the geographical area
275 designated in s. 331.304 and as amended or changed in accordance
276 with s. 331.329.
277 (19) ~~(24)~~ "Spaceport user" means any person who uses the
278 facilities or services of any spaceport; and, for the purposes
279 of any exemptions or rights granted under this act, the ~~said~~
280 spaceport user shall be deemed a spaceport user only during the
281 time period in which the ~~such~~ person has in effect a contract,
282 memorandum of understanding, or agreement with the spaceport,
283 and such rights and exemptions shall be granted with respect to
284 transactions relating only to spaceport projects.
285 (20) ~~(25)~~ "Travel expenses" means the actual, necessary,
286 and reasonable costs of transportation, meals, lodging, and
287 incidental expenses normally incurred by a traveler, which costs
288 are defined and prescribed by rules adopted by Space Florida ~~the~~
289 ~~authority~~, subject to approval by the Chief Financial Officer.
290 (21) ~~(26)~~ "Spaceport discretionary capacity improvement
291 projects" means capacity improvements that enhance space
292 transportation capacity at spaceports that have had one or more
293 orbital or suborbital flights during the previous calendar year
294 or have an agreement in writing for installation of one or more
295 regularly scheduled orbital or suborbital flights upon the
296 commitment of funds for stipulated spaceport capital
297 improvements.
298 Section 5. Section 331.305, Florida Statutes, is amended
299 to read:
300 331.305 Powers of Space Florida ~~the authority~~.--Space
301 Florida may ~~The authority shall have the power to~~:

302 (1) Exercise all powers granted to corporations under the
303 Florida Business Corporation Act, chapter 607.
304 (2) Sue and be sued by its name in any court of law or in
305 equity.
306 (3) Adopt and use a corporate seal and alter the same at
307 pleasure.
308 ~~(4) Review and make recommendations with respect to a~~
309 ~~strategy to guide and facilitate the future of space-related~~
310 ~~educational and commercial development. The authority shall in~~
311 ~~coordination with the Federal Government, private industry, and~~
312 ~~Florida universities develop a business plan which shall address~~
313 ~~the expansion of Spaceport Florida locations, space launch~~
314 ~~capacity, spaceport projects, and complementary activities,~~
315 ~~which shall include, but not be limited to, a detailed analysis~~
316 ~~of:~~
317 ~~(a) The authority and the commercial space industry.~~
318 ~~(b) Products, services description--potential,~~
319 ~~technologies, skills.~~
320 ~~(c) Market research and evaluation--customers,~~
321 ~~competition, economics.~~
322 ~~(d) Marketing plan and strategy.~~
323 ~~(e) Design and development plan--tasks, difficulties,~~
324 ~~costs.~~
325 ~~(f) Manufacturing locations, facilities, and operations~~
326 ~~plan.~~
327 ~~(g) Management organization--roles and responsibilities.~~
328 ~~(h) Overall schedule (monthly).~~
329 ~~(i) Important risks, assumptions, and problems.~~

330 ~~(j) Community impact--economic, human development,~~
331 ~~community development.~~
332 ~~(k) Financial plan (monthly for first year; quarterly for~~
333 ~~next 3 years).~~
334 ~~(l) Proposed authority offering--financing,~~
335 ~~capitalization, use of funds.~~
336 (4) ~~(5)~~ Acquire property, real, personal, intangible,
337 tangible, or mixed, within or without its territorial limits, in
338 fee simple or any lesser interest or estate, by purchase, gift,
339 devise, or lease, on such terms and conditions as the board may
340 deem necessary or desirable, and sell or otherwise dispose of
341 the same and of any of the assets and properties of Space
342 Florida ~~the authority~~.
343 (5) ~~(6)~~ Make and execute any and all contracts and other
344 instruments necessary or convenient to the exercise of its
345 powers, including financing agreements with persons or spaceport
346 users to facilitate the financing, construction, leasing, or
347 sale of any project.
348 (6) ~~(7)~~ Whenever deemed necessary by the board, lease as
349 lessor or lessee to or from any person, public or private, any
350 facilities or property for the use of Space Florida ~~the~~
351 ~~authority~~ and carry out any of the purposes of Space Florida ~~the~~
352 ~~authority~~.
353 ~~(8) Appoint, through its board of supervisors, an~~
354 ~~executive director.~~
355 (7) ~~(9)~~ Own, acquire, construct, develop, create,
356 reconstruct, equip, operate, maintain, extend, and improve
357 launch pads, landing areas, ranges, payload assembly buildings,

358 payload processing facilities, laboratories, aerospace ~~space~~
359 business incubators, launch vehicles, payloads, space flight
360 hardware, facilities and equipment for the construction of
361 payloads, space flight hardware, rockets, and other launch
362 vehicles, and other spaceport facilities and other aerospace-
363 related ~~space-related~~ systems, including educational, cultural,
364 and parking facilities and aerospace-related ~~space-related~~
365 initiatives.
366 (8) Insure, coinsure, lend, and guarantee loans and to
367 originate for sale direct aerospace-related loans, pursuant to
368 criteria, bylaws, policies, and procedures adopted by the board.
369 (9) Capitalize, underwrite, and secure funding for
370 aerospace infrastructure, satellites, launch vehicles, and any
371 service that supports aerospace launches.
372 (10) Construct, lease, or sell aerospace infrastructure,
373 satellites, launch vehicles, and any other related activities
374 and services.
375 (11) Acquire, accept, or administer grants, contracts, and
376 fees from other organizations to perform activities that are
377 consistent with the purposes of this section.
378 ~~(10) Undertake a program of advertising to the public~~
379 ~~promoting space-related businesses or any spaceport projects of~~
380 ~~the authority, and expend moneys and undertake such activities~~
381 ~~to carry out such advertising and promotional program as the~~
382 ~~board from time to time may determine.~~
383 (12) ~~(11)~~ Own, acquire, construct, reconstruct, equip,
384 operate, maintain, extend, or ~~and~~ improve transportation
385 facilities appropriate to meet the transportation requirements

386 of Space Florida ~~the authority~~ and activities conducted within
387 ~~the~~ spaceport territory.
388 (13) ~~(12)~~ Own, acquire, construct, reconstruct, equip,
389 operate, maintain, extend, or ~~and~~ improve electric power plants,
390 transmission lines and related facilities, gas mains and
391 facilities of any nature for the production or distribution of
392 natural gas, transmission lines and related facilities and
393 plants and facilities for the generation and transmission of
394 power through traditional and new and experimental sources of
395 power and energy; purchase electric power, natural gas, and
396 other sources of power for distribution within any spaceport
397 territory; develop and operate water and sewer systems and waste
398 collection and disposal consistent with chapter 88-130, Laws of
399 Florida; and develop and operate such new and experimental
400 public utilities, including, but not limited to, centrally
401 distributed heating and air-conditioning facilities and
402 services, closed-circuit television systems, and computer
403 services and facilities, as the board may from time to time
404 determine. However, Space Florida may ~~the authority shall~~ not
405 construct any system, work, project, or utility authorized to be
406 constructed under this paragraph in the event that a system,
407 work, project, or utility of a similar character is being
408 actually operated by a municipality or private company in the
409 municipality or territory adjacent thereto, unless such
410 municipality or private company consents to such construction.
411 (14) ~~(13)~~ Designate, set aside, and maintain lands and
412 areas within or without the territorial limits of any spaceport
413 territory as conservation areas or bird and wildlife

414 sanctuaries; stock such areas with animal and plant life and
415 stock water areas with fish and other aquatic life; adopt
416 pursuant to ss. 120.536(1) and 120.54 ~~promulgate~~ and enforce
417 rules ~~and regulations~~ with respect thereto and protect and
418 preserve the natural beauty thereof; and do all acts necessary
419 or desirable in order to qualify such lands and areas as
420 conservation areas and sanctuaries under any of the laws of the
421 state or under federal law.
422 (15) ~~(14)~~ Establish a program for the control, abatement,
423 and elimination of mosquitoes and other noxious insects,
424 rodents, reptiles, and other pests throughout the spaceport
425 territory and undertake such works and construct such facilities
426 within or without the spaceport territory as may be determined
427 by the board to be needed to effectuate such program; abate and
428 suppress mosquitoes and other arthropods, whether disease-
429 bearing or pestiferous, within any spaceport territory when in
430 the judgment of the board such action is necessary or desirable
431 for the health and welfare of the inhabitants of or visitors to
432 any spaceport; and take any and all temporary or permanent
433 eliminative measures that the board may deem advisable. The
434 Legislature hereby finds and declares Space Florida ~~the~~
435 ~~authority~~ eligible to receive state funds, supplies, services,
436 and equipment available or that may in the future become
437 available to mosquito or pest control districts, the provisions
438 of s. 388.021 notwithstanding.
439 (16) ~~(15)~~ Subject to the rules and regulations of the
440 appropriate water management district, own, acquire, construct,
441 reconstruct, equip, maintain, operate, extend, and improve water

442 and flood control facilities. The Legislature hereby finds and
443 declares Space Florida ~~the authority~~ eligible to receive moneys,
444 disbursements, and assistance from the state available to flood
445 control or water management districts and navigation districts
446 or agencies.
447 (17) ~~(16)~~ Own, acquire, construct, reconstruct, equip,
448 maintain, operate, extend, and improve public safety facilities
449 for the spaceport, including security stations, security
450 vehicles, fire stations, water mains and plugs, and fire trucks
451 and other vehicles and equipment; hire employees, security
452 officers, and firefighters; and undertake such works and
453 construct such facilities determined by the board to be
454 necessary or desirable to promote and ensure public safety
455 within the spaceport territory.
456 (18) ~~(17)~~ Hire, through its president ~~executive director~~, a
457 safety officer with substantial experience in public safety
458 procedures and programs for space vehicle launching and related
459 hazardous operations. The safety officer shall monitor and
460 report on the safety and hazards of ground-based space
461 operations to the president ~~executive director~~.
462 ~~(18) Establish a personnel management system for hiring~~
463 ~~employees and setting employee benefit packages. The personnel~~
464 ~~of the authority shall not be considered to be within the state~~
465 ~~employment system.~~
466 ~~(19) Establish procedures, rules, and rates governing per~~
467 ~~diem and travel expenses of its employees, the members of the~~
468 ~~board of supervisors, and other persons authorized by the board~~
469 ~~to incur such expenses. Except as otherwise provided in s.~~

470 ~~331.3101, such rules are subject to provisions of state law or~~
471 ~~rules pertaining to per diem and travel expenses of public~~
472 ~~officers, employees, or other persons authorized by an agency~~
473 ~~head to incur such expenses.~~
474 (19) ~~(20)~~ Examine, develop, and use ~~utilize~~ new concepts,
475 designs, and ideas; own, acquire, construct, reconstruct, equip,
476 operate, maintain, extend, and improve experimental spaceport
477 facilities and services; and otherwise undertake, sponsor,
478 finance, and maintain such research activities, experimentation,
479 and development as the board may from time to time determine, in
480 connection with any of the projects that Space Florida ~~the~~
481 ~~authority~~ is authorized to undertake pursuant to the powers and
482 authority vested in it by this act, and in order to promote the
483 development and utilization of new concepts, designs, and ideas
484 in the fields of space exploration, commercialization of the
485 space industry, and spaceport facilities.
486 (20) ~~(21)~~ Issue revenue bonds, assessment bonds, or any
487 other bonds or obligations authorized by the provisions of this
488 act or any other law, or any combination of the foregoing, and
489 pay all or part of the cost of the acquisition, construction,
490 reconstruction, extension, repair, improvement, or maintenance
491 of any project or combination of projects, including payloads
492 and space flight hardware, and equipment for research,
493 development, and educational activities, to provide for any
494 facility, service, or other activity of Space Florida ~~the~~
495 ~~authority~~, and provide for the retirement or refunding of any
496 bonds or obligations of Space Florida ~~the authority~~, or for any
497 combination of the foregoing purposes. Space Florida ~~The~~

498 ~~authority~~ must provide 14 days' notice to the presiding officers
499 and appropriations chairs of both houses of the Legislature
500 prior to presenting a bond proposal to the Governor and Cabinet.
501 If either presiding officer or appropriations chair objects to
502 the bonding proposal within the 14-day-notice period, the bond
503 issuance may be approved only by a vote of three-fourths ~~two-~~
504 ~~thirds~~ of the members of the Governor and Cabinet.
505 (21) ~~(22)~~ Make expenditures for entertainment and travel
506 expenses and business clients, guests, and other authorized
507 persons as provided in this act.
508 (22) ~~(23)~~ In connection with any financing agreement, fix
509 and collect fees, loan payments, rental payments, and other
510 charges for the use of any project in such amount as to provide
511 sufficient moneys to pay the principal of and interest on bonds
512 as the same shall become due and payable, if so provided in the
513 bond resolution or trust agreement, and to create reserves for
514 such purposes. The fees, rents, payments, and charges and all
515 other revenues and proceeds derived from the project in
516 connection with which the bonds of any issue shall have been
517 issued, except such part thereof as may be necessary for such
518 reserves or any expenditures as may be provided in the
519 resolution authorizing the issuance of the bonds or in the trust
520 agreement securing the same, shall be set aside, at the time as
521 may be specified in the resolution or trust agreement, in a
522 sinking fund which may be pledged to and charged with the
523 payment of the principal of and the interest on such bonds as
524 the same shall become due and the redemption price or the
525 purchase price of bonds retired by call or purchase as therein

526 provided. Such pledge is ~~shall be~~ valid and binding from the
527 time the pledge is made. The fees, rents, charges, and other
528 revenues and moneys so pledged and thereafter received by or on
529 behalf of Space Florida ~~the authority~~ shall immediately be
530 subject to the lien of any such pledge without any physical
531 delivery thereof or further act, and the lien of any such pledge
532 is ~~shall be~~ valid and binding as against all parties having
533 claims of any kind in tort, contract, or otherwise against Space
534 Florida ~~the authority~~, irrespective of whether such parties have
535 notice thereof. Neither the resolution nor any trust agreement
536 by which a pledge is created need be filed or recorded, except
537 in the records of Space Florida ~~the authority~~. The use and
538 disposition of money to the credit of the sinking fund shall be
539 subject to the provisions of the resolution authorizing the
540 issuance of such bonds or the provisions of such trust
541 agreement.
542 ~~(24) Exercise the right and power of eminent domain in~~
543 ~~spaceport territory as defined in s. 331.304. In exercising such~~
544 ~~power, the authority shall comply with the procedures and~~
545 ~~requirements of chapters 73 and 74.~~
546 Section 6. Section 331.3051, Florida Statutes, is created
547 to read:
548 331.3051 Duties of Space Florida.--Space Florida shall:
549 (1) Create a business plan to foster the growth and
550 development of the aerospace industry. The business plan must
551 address business development; finance; spaceport operations;
552 research and development; workforce development; and education.

553 The business plan must be completed by March 1, 2007, and be
554 revised when determined as necessary by the board.
555 (2) Consult and coordinate to the extent possible with the
556 Department of Education, the Department of Transportation,
557 Enterprise Florida, Inc., the Florida Commission on Tourism and
558 its direct-support organization, and Workforce Florida, Inc.,
559 for the purpose of implementing this act.
560 (3) Consult with Enterprise Florida, Inc., in developing a
561 plan to retain, expand, attract, and create aerospace industry
562 entities, public or private, which results in the creation of
563 high-value-added businesses and jobs in this state.
564 (4) Create a marketing campaign to help attract, develop,
565 and retain aerospace businesses, aerospace research and
566 technology, and other related activities in this state. The
567 campaign must be coordinated with any existing economic-
568 development-promotion efforts in this state and may use private
569 resources. Marketing strategies may include developing
570 promotional materials, Internet and print advertising, public
571 relations and media placement, trade show attendance, and other
572 activities.
573 (5) Develop, with input from Enterprise Florida, Inc., and
574 the Florida Commission on Tourism and its direct-support
575 organization, a public advertising program promoting aerospace-
576 related activities, businesses, or any Space Florida projects.
577 (6) Develop, with input from Enterprise Florida, Inc., a
578 plan to finance aerospace businesses. The plan may include the
579 following activities:

580 (a) Assembling, publishing, and disseminating information
581 concerning financing opportunities and techniques for aerospace
582 projects, programs, and activities; sources of public and
583 private aerospace financing assistance; and sources of
584 aerospace-related financing.
585 (b) Organizing, hosting, and participating in seminars and
586 other forums designed to disseminate information and technical
587 assistance regarding aerospace-related financing.
588 (c) Coordinating with programs and goals of the Department
589 of Defense, the National Aeronautics and Space Administration,
590 the Export-Import Bank of the United States, the International
591 Trade Administration of the United States Department of
592 Commerce, the Foreign Credit Insurance Association, and other
593 private and public programs and organizations, domestic and
594 foreign.
595 (d) Establishing a network of contacts among those
596 domestic and foreign public and private organizations that
597 provide information, technical assistance, and financial support
598 to the aerospace industry.
599 (7) Carry out its responsibilities for spaceport
600 operations by:
601 (a) Seeking federal support and developing partnerships to
602 renew and upgrade the infrastructure and technologies at the
603 Cape Canaveral Air Force Station, the John F. Kennedy Space
604 Center, and the Eastern Range that will enhance space and
605 military programs of the Federal Government, and improve access
606 for commercial launch activities.

607 (b) Supporting federal efforts to clarify roles and
608 responsibilities of federal agencies, and eliminating
609 duplicative federal rules and policies, in an effort to
610 streamline access for commercial launch users.
611 (c) Pursuing the development of additional commercial
612 spaceports in the state through a competitive request for
613 proposals in partnership with counties or municipalities, the
614 Federal Government, or private entities.
615 (d) Promoting and facilitating launch activity within the
616 state by supporting and assisting commercial launch operators in
617 completing and submitting required documentation and gaining
618 approvals and authorization from the required federal agencies
619 for launching from Florida.
620 (e) Consulting, as necessary, with the appropriate
621 federal, state, and local authorities, including the National
622 Aeronautics and Space Administration, the Federal Aviation
623 Administration, the Department of Defense, the Department of
624 Transportation, the Florida National Guard, and industry on all
625 aspects of establishing and operating spaceport infrastructure
626 and related facilities within the state.
627 (8) Carry out its responsibility for research and
628 development by:
629 (a) Contracting for the operations of the state's Space
630 Life Sciences Laboratory.
631 (b) Working in collaboration with one or more universities
632 and other public or private entities to develop a proposal for a
633 Center of Excellence for Aerospace that will foster and promote
634 the research necessary to develop commercially promising,

635 advanced, and innovative science and technology and will
636 transfer those discoveries to the commercial sector.
637 (9) Carry out its responsibility for workforce
638 development, with input from Workforce Florida, Inc., community
639 colleges, colleges, public and private universities, and other
640 public and private partners to develop a plan to retain, train,
641 and retrain workers, from entry-level skills training through to
642 technician-level, and 4-year degrees and higher, with the skills
643 most relevant to aerospace employers.
644 (10) Carry out its responsibility for creating innovative
645 education programs by funding programs developed in conjunction
646 with the Department of Education that target grades K-20 in an
647 effort to promote mathematics and science education programs,
648 which may include the Florida-NASA Matching Grant Program,
649 aerospace-focused education programs for teachers, education-
650 oriented microgravity flight programs for teachers and students,
651 and Internet-based aerospace education. Funds collected pursuant
652 to s. 212.20(6)(d) and any in-kind or private-sector
653 contribution may be used to carry out innovative education
654 programs. In its annual report, Space Florida shall include, at
655 a minimum, a description of programs funded, the number of
656 students served, and private-sector support.
657 (11) Annually report on its performance with respect to
658 its business plan, to include finance, spaceport operations,
659 research and development, workforce development, and education.
660 The report shall be submitted to the Governor, the President of
661 the Senate, and the Speaker of the House of Representatives no
662 later than September 1 for the prior fiscal year.

663 Section 7. Section 331.306, Florida Statutes, is amended
664 to read:
665 331.306 Federal airspace notification.--In coordination
666 with the Florida Department of Transportation, Space Florida ~~the~~
667 ~~authority~~ shall develop and file the federal airspace
668 notification required for priority airspace use.
669 Section 8. Section 331.308, Florida Statutes, is amended
670 to read:
671 331.308 Board of directors ~~supervisors~~.--
672 (1) Space Florida shall be governed by a board of
673 directors. Designees of appointed members do not have voting
674 authority. The board of directors shall consist of the following
675 members:
676 (a) The Governor or the Governor's designee.
677 (b) The Secretary of Transportation or the secretary's
678 designee.
679 (c) The president of Workforce Florida, Inc., or the
680 president's designee.
681 (d) The president of Enterprise Florida, Inc., or the
682 president's designee.
683 (e) The president of the direct-support organization of
684 the Florida Commission on Tourism or the president's designee.
685 (f) The Commissioner of Education or the commissioner's
686 designee.
687 (g) Eight members from the private sector, one of whom
688 shall be a representative of organized labor, appointed by the
689 Governor. In making these appointments, the Governor shall
690 ensure that the composition of the board reflects the diversity

691 of the aerospace industry community of this state and, to the
692 greatest degree possible, that the composition of the board
693 includes, but is not limited to, individuals representing the
694 industries of business, finance, marketing, space, aerospace,
695 aviation, defense, research and development, and education. The
696 Governor shall also consider whether the current members of the
697 board, together with potential appointees, reflect the racial,
698 ethnic, and gender diversity, as well as the geographic
699 distribution, of the population of the state.
700 (h) Two ex officio, nonvoting members, one of whom shall
701 be a member of the Senate, selected by the President of the
702 Senate, and one of whom shall be a member of the House of
703 Representatives, selected by the Speaker of the House of
704 Representatives.
705 (i) Six members from the private sector, three of whom
706 shall be appointed by the President of the Senate and three of
707 whom shall be appointed by the Speaker of the House of
708 Representatives.
709 (2)(a) Vacancies on the board shall be filled for the
710 unexpired term in the same manner as the original appointments
711 to the board.
712 (b) Each member of the board of directors shall serve for
713 a term of 4 years, except that the initial terms shall be
714 staggered.
715 1. The Governor shall appoint two members for a 1-year
716 term, two members for 2-year terms, and three members for 4-year
717 terms.

718 2. The President of the Senate and the Speaker of the
719 House of Representatives shall each appoint one member for a 1-
720 year term, one member for a 2-year term, and one member for a 4-
721 year term.
722 (c) Any member is eligible for reappointment.
723 (3) Appointed members may be removed by the Governor for
724 cause. Absence from three consecutive meetings without good
725 cause shall result in automatic removal.
726 (4) All private sector members are subject to confirmation
727 by the Senate at the next regular session of the Legislature.
728 (5) The Governor shall serve as chair of the board of
729 directors. The board of directors shall biennially elect one of
730 its private sector members as vice chair to serve in the absence
731 of the Governor and to perform such other duties as may be
732 designated. The president shall keep a record of the proceedings
733 of the board of directors and shall be the custodian of all
734 books, documents, and papers filed with the board of directors,
735 the minutes of the board of directors, and the official seal of
736 Space Florida.
737 (6) The board of directors shall meet at least four times
738 each year, upon the call of the chair, at the request of the
739 vice chair, or at the request of a majority of the membership. A
740 majority of the total number of current voting directors shall
741 constitute a quorum. The board of directors may take official
742 action by a majority vote of the members present at any meeting
743 at which a quorum is present.
744 (7) Members of the board of directors shall serve without
745 compensation, but members, the president, and staff may be

746 reimbursed for all reasonable, necessary, and actual expenses,
747 as determined by the board of directors of Space Florida
748 pursuant to s. 112.061.
749 (8) Each member of the board of directors of Space Florida
750 who is not otherwise required to file financial disclosure
751 pursuant to s. 8, Art. II of the State Constitution or s.
752 112.3144, shall file disclosure of financial interests pursuant
753 to s. 112.3145.
754 (9) Each member of the board of directors of Space Florida
755 must be a resident of this state. ~~There is created within the~~
756 ~~Florida Space Authority a board of supervisors consisting of~~
757 ~~eight regular members, who shall be appointed by the Governor,~~
758 ~~and two ex officio nonvoting members, one of whom shall be a~~
759 ~~state senator selected by the President of the Senate and one of~~
760 ~~whom shall be a state representative selected by the Speaker of~~
761 ~~the House of Representatives. The Lieutenant Governor, who is~~
762 ~~the state's space policy leader, shall serve as chair of the~~
763 ~~board of supervisors, and shall cast the deciding vote if the~~
764 ~~votes of the eight regular members result in a tie. The board~~
765 ~~shall elect a vice chair to preside in the absence of the~~
766 ~~Lieutenant Governor and to perform such other duties as may be~~
767 ~~designated. All regular members shall be subject to confirmation~~
768 ~~by the Senate at the next regular session of the Legislature.~~
769 ~~Existing board members are not prohibited from reappointment.~~
770 ~~Each of the regular board members must be a resident of the~~
771 ~~state and must have experience in the aerospace or commercial~~
772 ~~space industry or in finance or have other significant relevant~~
773 ~~experience. A private sector legal entity may not have more than~~

774 ~~one person serving on the board at any one time. One regular~~
775 ~~member shall represent organized labor interests, one regular~~
776 ~~member shall represent minority interests, and four regular~~
777 ~~members must represent space industry, at least one of whom must~~
778 ~~also be from a small business, as defined in s. 288.703. For the~~
779 ~~purpose of this section, "space industry" includes private~~
780 ~~sector entities engaged in space flight business, as defined in~~
781 ~~s. 212.031, research and technology development of space-based~~
782 ~~products and services, space station commercialization,~~
783 ~~development of spaceport and range technology, remote sensing~~
784 ~~products and services, space biotechnology, measurement and~~
785 ~~calibration of space assets, space-related software and~~
786 ~~information technology development, design and architecture of~~
787 ~~space-based assets and facilities for manufacturing and other~~
788 ~~purposes, space-related nanotechnology, space tourism, and other~~
789 ~~commercial enterprises utilizing uniquely space-based~~
790 ~~capabilities.~~
791 ~~(2) Each regular member shall serve a term of 4 years or~~
792 ~~until a successor is appointed and qualified. The term of each~~
793 ~~such member shall be construed to commence on the date of~~
794 ~~appointment and to terminate on June 30 of the year of the end~~
795 ~~of the term. Appointment to the board shall not preclude any~~
796 ~~such member from holding any other private or public position.~~
797 ~~(3) The ex officio nonvoting legislative members shall~~
798 ~~serve on the board for 2-year terms.~~
799 ~~(4) Any vacancy on the board shall be filled for the~~
800 ~~balance of the unexpired term.~~

801 ~~(5) The board shall appoint an executive director.~~
802 ~~Meetings shall be held quarterly or more frequently at the call~~
803 ~~of the chair. A majority of the regular members of the board~~
804 ~~shall constitute a quorum, and a majority vote of such members~~
805 ~~present is necessary for any action taken by the board.~~
806 ~~(6) The Governor has the authority to remove from the~~
807 ~~board any regular member in the manner and for cause as defined~~
808 ~~by the laws of this state and applicable to situations that may~~
809 ~~arise before the board. Unless excused by the chair of the~~
810 ~~board, a regular member's absence from two or more consecutive~~
811 ~~board meetings creates a vacancy in the office to which the~~
812 ~~member was appointed.~~
813 Section 9. Section 331.309, Florida Statutes, is amended
814 to read:
815 331.309 Treasurer; depositories; fiscal agent.--
816 (1) The board shall designate an individual who is a
817 resident of the state, or a qualified public depository as
818 defined in s. 280.02, as treasurer of Space Florida ~~the~~
819 ~~authority~~, who shall have charge of the funds of Space Florida
820 ~~the authority~~. Such funds shall be disbursed only upon the order
821 of or pursuant to the resolution of the board by warrant, check,
822 authorization, or direct deposit pursuant to s. 215.85, signed
823 or authorized by the treasurer or his or her representative or
824 by such other persons as may be authorized by the board. The
825 board may give the treasurer such other or additional powers and
826 duties as the board may deem appropriate and shall establish the
827 treasurer's compensation. The board may require the treasurer to
828 give a bond in such amount, on such terms, and with such

829 sureties as may be deemed satisfactory to the board to secure
830 the performance by the treasurer of his or her powers and
831 duties. The board shall audit or have audited the books of the
832 treasurer at least once a year.
833 (2) The board is authorized to select as depositories in
834 which the funds of the board and of Space Florida ~~the authority~~
835 shall be deposited any qualified public depository as defined in
836 s. 280.02, upon such terms and conditions as to the payment of
837 interest by such depository upon the funds so deposited as the
838 board may deem just and reasonable. ~~Funds of the authority may~~
839 ~~also be deposited with the Florida Commercial Space Financing~~
840 ~~Corporation created by s. 331.407.~~ The funds of Space Florida
841 ~~the authority~~ may be kept in or removed from the State Treasury
842 upon written notification from the chair of the board to the
843 Chief Financial Officer.
844 (3) The board may employ a fiscal agent, who shall be
845 either a resident of the state or a corporation organized under
846 the laws of this or any other state and authorized by such laws
847 to act as such fiscal agent in the state.
848 Section 10. Section 331.310, Florida Statutes, is amended
849 to read:
850 331.310 Powers and duties of the board of directors
851 ~~supervisors~~.--~~Except as otherwise provided in this act, all of~~
852 ~~the powers and duties of the authority shall be exercised by and~~
853 ~~through the board of supervisors, including the power and duty~~
854 ~~to:~~
855 (1) The board of directors may: ~~Adopt bylaws, rules,~~
856 ~~resolutions, and orders prescribing the powers, duties, and~~

857 ~~functions of the officers of the authority, the conduct of the~~
858 ~~business of the authority, the maintenance of records, and the~~
859 ~~form of all documents and records of the authority. The board~~
860 ~~may adopt administrative rules and regulations with respect to~~
861 ~~any of the projects of the authority, with notice and public~~
862 ~~hearing.~~
863 ~~(2) Maintain an executive office and authority offices in~~
864 ~~close proximity to Kennedy Space Center.~~
865 (a) ~~(3)~~ Enter, and authorize any agent or employee of Space
866 Florida ~~the authority~~ to enter, upon any lands, waters, and
867 premises, upon giving reasonable notice and due process to the
868 land owner, for the purposes of making surveys, soundings,
869 drillings, appraisals, and examinations necessary to perform its
870 duties and functions. Any such entry shall not be deemed a
871 trespass or an entry that would constitute a taking in an
872 eminent domain proceeding. Space Florida ~~The authority~~ shall
873 make reimbursement for any actual damages to such lands, waters,
874 and premises as a result of such activity.
875 (b) ~~(4)~~ Execute all contracts and other documents, adopt
876 all proceedings, and perform all acts determined by the board to
877 be necessary or desirable to carry out the purposes of this act.
878 The board may authorize one or more members of the board to
879 execute contracts and other documents on behalf of the board or
880 Space Florida ~~the authority~~.
881 (c) ~~(5)~~ Establish and create such departments, committees,
882 or other entities ~~agencies~~ as from time to time the board may
883 deem necessary or desirable in the performance of any acts or
884 other things necessary to the exercise of the powers provided in

885 this act, and delegate to such departments, boards, or other
886 agencies such administrative duties and other powers as the
887 board may deem necessary or desirable.
888 ~~(6) Appoint a person to act as executive director of the~~
889 ~~authority, having such official title, functions, duties,~~
890 ~~powers, and salary as the board may prescribe.~~
891 (d) ~~(7)~~ Examine, and authorize any officer or agent of
892 Space Florida ~~the authority~~ to examine, the county tax rolls
893 with respect to the assessed valuation of the real and personal
894 property within any spaceport territory.
895 (e) ~~(8)~~ Engage in the planning and implementation of space-
896 related economic and educational development within the state.
897 (f) Provide the strategic direction for the aerospace-
898 related research priorities of the state and its aerospace-
899 related businesses, the scope of research projects for Space
900 Florida, and the timeframe for completion of the projects.
901 (g) ~~(9)~~ Execute intergovernmental agreements and
902 development agreements consistent with prevailing statutory
903 provisions, including, but not limited to, special benefits or
904 tax increment financing initiatives.
905 (h) Finance aerospace business development projects or
906 initiatives using the funds collected pursuant to s.
907 212.20(6)(d).
908 (i) ~~(10)~~ Establish reserve funds for future board
909 operations.
910 (j) ~~(11)~~ Adopt rules pursuant to chapter 120 to carry out
911 the purposes of this act.
912 (2) The board of directors shall:

913 (a) Adopt bylaws, rules, resolutions, and orders
914 prescribing the powers, duties, and functions of Space Florida
915 to conduct the business of Space Florida, the maintenance of
916 records, and the form of all documents and records of Space
917 Florida. The board may adopt rules with respect to any of the
918 projects of Space Florida with notice and a public hearing.
919 (b) Maintain an executive office and Space Florida offices
920 in close proximity to the John F. Kennedy Space Center.
921 (c) Appoint a person to act as the president of Space
922 Florida, having such official title, functions, duties, powers,
923 and salary as the board may prescribe.
924 (d) ~~(12)~~ Abide by all applicable federal labor laws in the
925 construction and day-to-day operations of Space Florida ~~the~~
926 ~~authority~~ and any spaceport. Further, the board shall establish,
927 by rule and regulation, pursuant to chapter 120, policies and
928 procedures for the construction and operation of Space Florida
929 ~~the authority~~ and any spaceport. The ~~Said~~ policies and
930 procedures shall be such that when Space Florida ~~the authority~~
931 expends federal funds for construction or operation of any
932 spaceport project, Space Florida ~~the authority~~ will be subject
933 to the federal labor laws observed at the John F. Kennedy Space
934 Center and Cape Canaveral Air Force Station, Florida, applicable
935 as a result of such federal expenditures.
936 (e) ~~(13)~~ Prepare an annual report of operations. The ~~Said~~
937 report shall include, but not be limited to, a balance sheet, an
938 income statement, a statement of changes in financial position,
939 a reconciliation of changes in equity accounts, a summary of
940 significant accounting principles, the auditor's report, a

941 summary of the status of existing and proposed bonding projects,
942 comments from management about the year's business, and
943 prospects for the next year, which shall be submitted each year
944 by December 31 ~~November 30~~ to the Governor, the President of the
945 Senate, the Speaker of the House of Representatives, the
946 minority leader of the Senate, and the minority leader of the
947 House of Representatives.
948 (f) Establish a personnel management system for hiring
949 employees and establishing employee's benefit packages.
950 Personnel of Space Florida are not state employees.
951 ~~(14) Change the name of the authority.~~
952 Section 11. Section 331.3101, Florida Statutes, is amended
953 to read:
954 331.3101 Space Florida ~~Space Authority~~; travel and
955 entertainment expenses.--
956 (1) Notwithstanding the provisions of s. 112.061, Space
957 Florida ~~the authority~~ shall adopt rules by which it may make
958 expenditures by advancement or reimbursement, or a combination
959 thereof, to Space Florida ~~authority~~ officers and employees;
960 reimburse business clients, guests, and authorized persons as
961 defined in s. 112.061(2)(e); and make direct payments to third-
962 party vendors:
963 (a) For travel expenses of such business clients, guests,
964 and authorized persons incurred by Space Florida ~~the authority~~
965 in connection with the performance of its statutory duties, and
966 for travel expenses incurred by state officials and state
967 employees while accompanying such business clients, guests, or

968 authorized persons or when authorized by the board or its
969 designee.
970 (b) For entertainment expenses of such guests, business
971 clients, and authorized persons incurred by Space Florida ~~the~~
972 ~~authority~~ in connection with the performance of its statutory
973 duties, and for entertainment expenses incurred for Space
974 Florida ~~authority~~ officials and employees when such expenses are
975 incurred while in the physical presence of such business
976 clients, guests, or authorized persons.
977 (2) The rules shall be subject to approval by the Chief
978 Financial Officer before adoption ~~prior to promulgation~~. The
979 rules shall require the submission of paid receipts, or other
980 proof prescribed by the Chief Financial Officer, with any claim
981 for reimbursement, and shall require, as a condition for any
982 advancement, an agreement to submit paid receipts or other proof
983 and to refund any unused portion of the advancement within 15
984 days after the expense is incurred or, if the advancement is
985 made in connection with travel, within 15 days after completion
986 of the travel. However, with respect to an advancement made
987 solely for travel expenses, the rules may allow paid receipts or
988 other proof to be submitted, and any unused portion of the
989 advancement to be refunded, within 30 days after completion of
990 the travel.
991 (3) An annual report shall be made to the Legislature not
992 later than September 1 ~~November 30~~ of each year for the previous
993 fiscal year, which shall consist of a synopsis concisely
994 summarizing all travel, entertainment, and incidental expenses
995 incurred within the United States and, separately, all travel,

996 entertainment, and incidental expenses incurred outside the
997 United States.
998 (4) A ~~No~~ claim submitted under this section is not ~~shall~~
999 ~~be~~ required to be sworn to before a notary public or other
1000 officer authorized to administer oaths, but any claim authorized
1001 or required to be made under any provision of this section must
1002 ~~shall~~ contain a statement that the expenses were actually
1003 incurred as necessary travel or entertainment expenses in the
1004 performance of official duties of Space Florida ~~the authority~~
1005 and shall be verified by written declaration that it is true and
1006 correct as to every material matter. Any person who willfully
1007 makes and subscribes to any such claim which the person does not
1008 believe to be true and correct as to every material matter or
1009 who willfully aids or assists in, or procures, counsels, or
1010 advises, the preparation or presentation of a claim pursuant to
1011 this section, which claim is fraudulent or false as to any
1012 material matter, whether or not such falsity or fraud is with
1013 the knowledge or consent of the person authorized or required to
1014 present such claim, commits a misdemeanor of the second degree,
1015 punishable as provided in s. 775.082 or s. 775.083. Whoever
1016 receives an advancement or reimbursement by means of a false
1017 claim is civilly liable, in the amount of the overpayment, for
1018 the reimbursement of the public fund from which the claim was
1019 paid.
1020 Section 12. Section 331.311, Florida Statutes, is amended
1021 to read:
1022 331.311 Exercise by Space Florida ~~authority~~ of its powers
1023 within municipalities and other political subdivisions.--Space

1024 Florida may ~~The authority shall have the power to~~ exercise any
1025 of its rights, powers, privileges, and authority in any and all
1026 portions of any spaceport territory lying within the boundaries
1027 of any municipal corporation or other political subdivision,
1028 heretofore or hereafter created or organized, whose boundaries
1029 lie wholly or partly within the geographical limits of the
1030 spaceport territory, to the same extent and in the same manner
1031 as in areas of the spaceport territory not incorporated as part
1032 of a municipality or other political subdivision. With respect
1033 to any municipal corporation or other political subdivision
1034 whose boundaries lie partly within and partly without the
1035 geographical limits of the spaceport territory, Space Florida
1036 may ~~the authority shall have the power to~~ exercise its rights,
1037 powers, privileges, and authority only within the portion of the
1038 ~~such~~ municipal corporation or other political subdivision lying
1039 within the boundaries of the spaceport territory.
1040 Section 13. Section 331.312, Florida Statutes, is amended
1041 to read:
1042 331.312 Furnishing facilities and services within the
1043 spaceport territory.--Space Florida may ~~The authority shall have~~
1044 ~~the power to~~ construct, develop, create, maintain, and operate
1045 its projects within the geographical limits of the spaceport
1046 territory, including any portions of the spaceport territory
1047 located inside the boundaries of any incorporated municipality
1048 or other political subdivision, and to offer, supply, and
1049 furnish the facilities and services provided for in this act to,
1050 and to establish and collect fees, rentals, and other charges
1051 from, persons, public or private, within the geographical limits

1052 of the spaceport territory and for the use of Space Florida ~~the~~
1053 ~~authority~~ itself.
1054 Section 14. Section 331.313, Florida Statutes, is amended
1055 to read:
1056 331.313 Power of Space Florida ~~the authority~~ with respect
1057 to roads.--Within the territorial limits of any spaceport
1058 territory, Space Florida may ~~the authority has the right to~~
1059 acquire, through purchase or interagency agreement, or as
1060 otherwise provided in law, and to construct, control, and
1061 maintain, roads deemed necessary by Space Florida ~~the authority~~
1062 and connections thereto and extensions thereof now or hereafter
1063 acquired, constructed, or maintained in accordance with
1064 established highway safety standards; provided that, in the
1065 event a road being addressed by Space Florida ~~the authority~~ is
1066 owned by another agency or jurisdiction, Space Florida ~~the~~
1067 ~~authority~~, before ~~prior to~~ proceeding with the proposed project
1068 or work activity, shall have either coordinated the desired work
1069 with the owning agency or jurisdiction or shall have
1070 successfully executed an interagency agreement with the owning
1071 agency or jurisdiction.
1072 Section 15. Section 331.315, Florida Statutes, is amended
1073 to read:
1074 331.315 Maintenance of projects across rights-of-
1075 way.--Space Florida may ~~The authority shall have the right to~~
1076 construct and operate its projects in, along, or under any
1077 streets, alleys, highways, or other public places or ways, and
1078 across any drain, ditch, canal, floodway, holding basin,
1079 excavation, railroad right-of-way, track, grade, fill, or cut;

1080 ~~provided,~~ however, Space Florida shall pay ~~that~~ just
1081 compensation, including fees, ~~shall be paid by the authority~~ for
1082 any damages arising from ~~or private property taken by~~ the
1083 exercise of such power.
1084 Section 16. Section 331.316, Florida Statutes, is amended
1085 to read:
1086 331.316 Rates, fees, rentals, tolls, fares, and charges;
1087 procedure for adoption and modification; minimum revenue
1088 requirements.--
1089 (1) To recover the costs of the spaceport facility or
1090 system, Space Florida may ~~the authority shall have the power to~~
1091 prescribe, fix, establish, and collect rates, fees, rentals,
1092 tolls, fares, or other charges (hereinafter referred to as
1093 "revenues"), and to revise the same from time to time, for the
1094 facilities and services furnished or to be furnished by Space
1095 Florida ~~the authority~~ and the spaceport, including, but not
1096 limited to, launch pads, ranges, payload assembly and processing
1097 facilities, visitor and tourist facilities, transportation
1098 facilities, and parking and other related facilities, and may
1099 ~~shall have the power to~~ provide for reasonable penalties against
1100 any user or property for any such rates, fees, rentals, tolls,
1101 fares, or other charges that are delinquent.
1102 (2) The board may ~~shall have the power to~~ enter into
1103 contracts for the use of the projects of Space Florida ~~the~~
1104 ~~authority~~ and for the services and facilities furnished or to be
1105 furnished by Space Florida ~~the authority~~, including, but not
1106 limited to, launch services, payload assembly and processing,
1107 and other aerospace-related ~~space-related~~ services, for such

1108 consideration and on such other terms and conditions as the
1109 board may approve. Such contracts, and revenues or service
1110 charges received or to be received by Space Florida ~~the~~
1111 ~~authority~~ thereunder, may be pledged as security for any of the
1112 bonds of Space Florida ~~the authority~~.
1113 Section 17. Section 331.317, Florida Statutes, is amended
1114 to read:
1115 331.317 Recovery of delinquent charges.--In the event that
1116 any of the rates, fees, rentals, tolls, fares, other charges, or
1117 delinquent penalties shall not be paid as and when due and shall
1118 be in default for 30 days or more, the unpaid balance thereof
1119 and all interest accrued thereon, together with attorney's fees
1120 and costs, may be recovered by Space Florida ~~the authority~~ in a
1121 civil action.
1122 Section 18. Section 331.318, Florida Statutes, is amended
1123 to read:
1124 331.318 Discontinuance of service.--In the event that the
1125 rates, fees, rentals, tolls, fares, or other charges for the
1126 services and facilities of any project are not paid when due,
1127 the board may ~~shall have the power to~~ discontinue and shut off
1128 the same until such rates, fees, rentals, tolls, fares, or other
1129 charges, including interest, penalties, and charges for the
1130 shutting off and discontinuance and the restoration of such
1131 services and facilities, are fully paid. Such delinquent rates,
1132 fees, rentals, tolls, fares, or other charges, together with
1133 interest, penalties, and charges for the shutting off and
1134 discontinuance and the restoration of such services and
1135 facilities, and reasonable attorney's fees and other expenses,

1136 may be recovered by Space Florida ~~the authority~~ by suit in any
1137 court of competent jurisdiction. Space Florida ~~The authority~~ may
1138 also enforce payment of such delinquent rates, fees, rentals,
1139 tolls, fares, or other charges by any other lawful method of
1140 enforcement.
1141 Section 19. Section 331.319, Florida Statutes, is amended
1142 to read:
1143 331.319 Comprehensive planning; building and safety
1144 codes.--The board of directors may ~~supervisors shall have the~~
1145 ~~power to~~:
1146 (1) Adopt, and from time to time review, amend,
1147 supplement, or repeal, a comprehensive general plan for the
1148 physical development of the area within the spaceport territory
1149 in accordance with the objectives and purposes of this act and
1150 consistent with the comprehensive plans of the applicable county
1151 or counties and municipality or municipalities adopted pursuant
1152 to the Local Government Comprehensive Planning and Land
1153 Development Regulation Act, part II of chapter 163.
1154 (2) Prohibit within the spaceport territory the
1155 construction, alteration, repair, removal, or demolition, or the
1156 commencement of the construction, alteration, repair (except
1157 emergency repairs), removal, or demolition, of any building or
1158 structure, including, but not by way of limitation, public
1159 utility poles, lines, pipes, and facilities, without first
1160 obtaining a permit from the board or such other officer or
1161 agency as the board may designate, and to prescribe the
1162 procedure with respect to the obtaining of such permit.

1163 Section 20. Section 331.320, Florida Statutes, is amended
1164 to read:
1165 331.320 Additional powers of board.--The board of
1166 directors may ~~shall have the power~~ within any spaceport
1167 territory ~~to~~:
1168 (1) Adopt regulations to prohibit or control the pollution
1169 of air and water, and require certain location and placement of
1170 electrical power, telephone, and other utility lines, cables,
1171 pipes, and ducts.
1172 (2) Divide the spaceport territory into zones or districts
1173 of such number, shape, and area as the board may deem best
1174 suited to carry out the purposes of this act, and within and for
1175 each such district make regulations and restrictions as provided
1176 for in subsection (1).
1177 Section 21. Section 331.321, Florida Statutes, is amended
1178 to read:
1179 331.321 Federal and other funds and aid.--Space Florida
1180 may ~~The authority is authorized to~~ accept, receive, and receipt
1181 for federal moneys, property, and other moneys or properties,
1182 either public or private, for the acquisition, planning,
1183 operation, construction, enlargement, improvement, maintenance,
1184 equipment, or development of programs, facilities, and sites
1185 therefor, and ~~to~~ comply with the provisions of the laws of the
1186 United States and any rules and regulations made thereunder for
1187 the expenditure of federal moneys.
1188 Section 22. Section 331.322, Florida Statutes, is amended
1189 to read:

1190 331.322 Agreements with municipalities within any
1191 spaceport territory.--The board of directors and the governing
1192 body or bodies of any one or more municipalities located wholly
1193 or partly within any spaceport territory, whether now in
1194 existence or hereafter created, may ~~are authorized to~~ enter into
1195 and carry into effect contracts and agreements relating to the
1196 common powers, duties, and functions of the board and other
1197 officers, agents, and employees of Space Florida ~~the authority~~,
1198 and the respective governing body or bodies of one or more such
1199 municipalities, and their respective officers, agents, and
1200 employees, to the end that there may be effective cooperation
1201 between and coordination of the efforts of such municipality or
1202 municipalities and Space Florida ~~the authority~~ in discharging
1203 their common functions, powers, and duties and in rendering
1204 services to the respective residents and property owners of such
1205 municipality or municipalities and Space Florida ~~the authority~~.
1206 The board and the governing body or bodies of one or more such
1207 municipalities are further authorized to enter into and carry
1208 into effect contracts and agreements for the performance of any
1209 of their common functions, powers, and duties by a central
1210 agency or common agent of the contracting parties.
1211 Section 23. Section 331.323, Florida Statutes, is amended
1212 to read:
1213 331.323 Cooperative agreements with the state, counties,
1214 and municipalities.--
1215 (1) The state and the counties, municipalities, and other
1216 political subdivisions, public bodies, and agencies thereof, or
1217 any of them, whether now existing or hereafter created, are

1218 authorized to aid and cooperate with Space Florida ~~the authority~~
1219 in carrying out any of the purposes and projects of Space
1220 Florida ~~the authority~~, to enter into cooperative agreements with
1221 Space Florida ~~the authority~~, to provide in any such cooperative
1222 agreement for the making of loans, gifts, grants, or
1223 contributions to Space Florida ~~the authority~~ and the granting
1224 and conveyance to Space Florida ~~the authority~~ of real or
1225 personal property of any kind or nature, or any interest
1226 therein, for the carrying out of the purpose and projects of
1227 Space Florida ~~the authority~~; to covenant in any such cooperative
1228 agreement to pay all or any part of the costs of acquisition,
1229 planning, development, construction, reconstruction, extension,
1230 improvement, operation, and maintenance of any projects of Space
1231 Florida ~~the authority~~; and to pay all or any part of the
1232 principal and interest on any bonds of Space Florida ~~the~~
1233 ~~authority~~.
1234 (2) The state and the counties, municipalities, and other
1235 political subdivisions, public bodies, and agencies thereof, or
1236 any of them, whether now existing or hereafter created, and
1237 Space Florida ~~the authority created by this act~~, are further
1238 authorized to enter into cooperative agreements to provide for
1239 the furnishing by Space Florida ~~the authority~~ to the state or
1240 any county, municipality, or other political subdivision, public
1241 body, or agency thereof of any of the facilities and services of
1242 Space Florida ~~the authority~~, or by the state or any county,
1243 municipality, or other political subdivision, public body, or
1244 agency thereof to Space Florida ~~the authority~~ and to persons
1245 within the spaceport territory of facilities and services of the

1246 type that Space Florida ~~the authority~~ is authorized to furnish
1247 or undertake, or such other facilities and services as may be
1248 determined necessary or desirable by the board for the carrying
1249 out of the purposes of this act. Without limitation of the
1250 foregoing, such cooperative agreements may provide for the
1251 furnishing by any county, municipality, or other political
1252 subdivision of fire and police protection for Space Florida ~~the~~
1253 ~~authority~~ and persons and property within Space Florida ~~the~~
1254 ~~authority~~, and for the providing to Space Florida ~~the authority~~
1255 of any services deemed necessary or desirable by the board for
1256 the proper functioning of Space Florida ~~the authority~~.
1257 (3) Without limitation of the foregoing, the board may
1258 undertake and finance any of the projects of Space Florida ~~the~~
1259 ~~authority~~, in whole or in part, jointly with any municipality or
1260 municipalities, now existing or hereafter created, or in any
1261 other manner combine the projects of Space Florida ~~the authority~~
1262 with the projects of such municipality or municipalities.
1263 (4) Any agreement of the type authorized by this section
1264 may be made and entered into under ~~pursuant to~~ this act for such
1265 time or times, not exceeding 40 years.
1266 Section 24. Section 331.324, Florida Statutes, is amended
1267 to read:
1268 331.324 Contracts, grants, and contributions.--Space
1269 Florida may ~~The authority shall have the power to~~ make and enter
1270 all contracts and agreements necessary or incidental to the
1271 performance of the functions of Space Florida ~~the authority~~ and
1272 the execution of its powers, and to contract with, and to accept
1273 and receive grants or loans of money, material, or property

1274 from, any person, private or public, as the board shall
1275 determine to be necessary or desirable to carry out the purposes
1276 of this act, and in connection with any such contract, grant, or
1277 loan to stipulate and agree to such covenants, terms, and
1278 conditions as the board shall deem appropriate.
1279 Section 25. Section 331.325, Florida Statutes, is amended
1280 to read:
1281 331.325 Environmental permits.--Space Florida ~~The~~
1282 ~~authority~~ shall obtain required environmental permits in
1283 accordance with federal and state law and shall comply with the
1284 provisions of chapter 380.
1285 Section 26. Section 331.326, Florida Statutes, is amended
1286 to read:
1287 331.326 Information relating to trade secrets
1288 confidential.--The records of Space Florida ~~the authority~~
1289 regarding matters encompassed by this act are public records
1290 subject to the provisions of chapter 119. Any information held
1291 by Space Florida ~~the authority~~ which is a trade secret, as
1292 defined in s. 812.081, including trade secrets of Space Florida
1293 ~~the authority~~, any spaceport user, or the space industry
1294 business, is confidential and exempt from the provisions of s.
1295 119.07(1) and s. 24(a), Art. I of the State Constitution and may
1296 not be disclosed. If Space Florida ~~the authority~~ determines that
1297 any information requested by the public will reveal a trade
1298 secret, it shall, in writing, inform the person making the
1299 request of that determination. The determination is a final
1300 order as defined in s. 120.52. Any meeting or portion of a
1301 meeting of Space Florida's ~~the authority's~~ board ~~of supervisors~~

1302 is exempt from the provisions of s. 286.011 and s. 24(b), Art. I
1303 of the State Constitution when the board is discussing trade
1304 secrets. Any public record generated during the closed portions
1305 of the ~~such~~ meetings, such as minutes, tape recordings, and
1306 notes, is confidential and exempt from the provisions of s.
1307 119.07(1) and s. 24(a), Art. I of the State Constitution.
1308 Section 27. Section 331.327, Florida Statutes, is amended
1309 to read:
1310 331.327 Foreign trade zone.--Space Florida may ~~The~~
1311 ~~authority shall have the power to~~ apply to the Federal
1312 Government for a grant allowing the designation of any spaceport
1313 territory as a foreign trade zone pursuant to ss. 288.36 and
1314 288.37. However, the designation of any spaceport territory as a
1315 foreign trade zone does ~~shall~~ not ~~be deemed to~~ authorize an
1316 exemption from any tax imposed by the state or by any political
1317 subdivision, agency, or instrumentality thereof.
1318 Section 28. Section 331.328, Florida Statutes, is amended
1319 to read:
1320 331.328 Sovereign immunity.--Space Florida ~~The authority~~
1321 shall be granted sovereign immunity in the same manner as the
1322 state under the laws and Constitution of the State of Florida.
1323 The state, by this section, hereby waives the sovereign immunity
1324 granted to the same extent as waived by the state under state
1325 law.
1326 Section 29. Section 331.329, Florida Statutes, is amended
1327 to read:
1328 331.329 Changing boundary lines; annexation and exclusion
1329 of lands; creation of municipalities within the geographical

1330 limits of any spaceport territory; limitations on the furnishing
1331 of services within annexed areas.--
1332 (1) The board of directors may at any time strike out or
1333 correct the description of any land within or claimed to be
1334 within the boundary lines of any spaceport territory upon the
1335 written consent of the owners of all the land that would be
1336 included or excluded from the boundary lines of any spaceport
1337 territory or otherwise affected by the taking of such action,
1338 and of the owners of not less than the majority in acreage of
1339 all lands within any spaceport territory.
1340 (a) The board may enlarge the geographical limits of any
1341 spaceport territory to include any lands not then within any
1342 spaceport territory:
1343 1. Upon the written consent of the owners of all the land
1344 to be included in any spaceport territory and of the owners of
1345 not less than a majority in acreage of all the land then within
1346 any spaceport territory; or
1347 2. By resolution of the board approved at a special
1348 election called for such purpose, by vote of a majority of
1349 freeholders residing within the area to be annexed and a
1350 majority of freeholders residing within any spaceport territory.
1351 (b) The board of directors may contract the geographical
1352 limits of any spaceport territory so as to exclude from any
1353 spaceport territory any land then within any spaceport
1354 territory:
1355 1. Upon the written consent of the owners of all the land
1356 to be so excluded and of the owners of not less than a majority

1357 in acreage of all the land then within any spaceport territory;
1358 or
1359 2. By resolution of the board approved at a special
1360 election called for such purpose, by vote of a majority of
1361 freeholders residing within the area to be excluded and a
1362 majority of the freeholders residing within any spaceport
1363 territory.
1364 (2) Land, including property situated thereon, added to
1365 any spaceport territory in the manner provided in subsection (1)
1366 shall from the time of its inclusion within such spaceport
1367 territory be subject to all assessments thereafter levied and
1368 assessed on all other land or property of any spaceport
1369 territory similarly situated. Land, including property situated
1370 thereon, excluded from any spaceport territory in the manner
1371 provided in subsection (1) shall from the date of such exclusion
1372 be exempt from assessments thereafter imposed by Space Florida
1373 ~~the authority~~ but shall not be exempt from assessments
1374 theretofore levied or due with respect to such land or property,
1375 or from subsequent installments of assessments theretofore
1376 levied or assessed with respect thereto, and such assessments
1377 may be enforced and collected by or on behalf of Space Florida
1378 ~~the authority~~ in the same manner as if such land or property
1379 continued to be within the geographical limits of any spaceport
1380 territory.
1381 (3) In the event that the geographical limits of any
1382 spaceport territory as set forth in s. 331.304 are revised so as
1383 to include within any spaceport territory any areas not
1384 presently contained within any spaceport territory, Space

1385 Florida may ~~the authority shall~~ not engage in the business of
1386 furnishing electric power for sale in such annexed area, unless
1387 Space Florida ~~the authority~~ shall offer to purchase from any
1388 person who is at the time engaged in the business of making,
1389 generating, or distributing electricity for sale within such
1390 annexed area, such portion of its electric plant and property
1391 suitable and used for such business in connection therewith as
1392 lies within the limits of such annexed area, in a manner
1393 consistent with law.
1394 (4) Space Florida ~~The authority~~ shall designate new launch
1395 pads outside the present designated spaceport territories by
1396 statutory amendment of s. 331.304.
1397 Section 30. Section 331.331, Florida Statutes, is amended
1398 to read:
1399 331.331 Revenue bonds.--
1400 (1) Revenue bonds issued by Space Florida ~~the authority~~
1401 shall not be deemed revenue bonds issued by the state or its
1402 agencies for purposes of s. 11, Art. VII of the State
1403 Constitution and ss. 215.57-215.83. Space Florida ~~The authority~~
1404 shall include in its annual report to the Governor and
1405 Legislature, as provided in s. 331.310, a summary of the status
1406 of existing and proposed bonding projects.
1407 (2) The issuance of revenue bonds may be secured by or
1408 payable from the gross or net pledge of the revenues to be
1409 derived from any project or combination of projects, from the
1410 rates, fees, rentals, tolls, fares, or other charges to be
1411 collected from the users of any project or projects; from any
1412 revenue-producing undertaking or activity of Space Florida ~~the~~

1413 ~~authority~~; or from any source of pledged security. Such bonds
1414 shall not constitute an indebtedness of Space Florida ~~the~~
1415 ~~authority~~ unless such bonds are additionally secured by the full
1416 faith and credit of Space Florida ~~the authority~~. Bonds issued by
1417 Space Florida ~~the authority~~ are not secured by the full faith
1418 and credit of the State of Florida and do not constitute an
1419 obligation, either general or special, thereof.
1420 (3) Any two or more projects may be combined and
1421 consolidated into a single project, and may thereafter be
1422 operated and maintained as a single project. The revenue bonds
1423 authorized herein may be issued to finance any one or more such
1424 projects separately, or to finance two or more such projects,
1425 regardless whether or not such projects have been combined and
1426 consolidated into a single project. If the board deems it
1427 advisable, the proceedings authorizing such revenue bonds may
1428 provide that Space Florida ~~the authority~~ may thereafter combine
1429 the projects then being financed or theretofore financed with
1430 other projects to be subsequently financed by Space Florida ~~the~~
1431 ~~authority~~ shall be on a parity with the revenue bonds then being
1432 issued, all on such terms, conditions, and limitations as shall
1433 be provided, and may further provide that the revenues to be
1434 derived from the subsequent projects shall at the time of the
1435 issuance of such parity revenue bonds be also pledged to the
1436 holders of any revenue bonds theretofore issued to finance the
1437 revenue undertakings which are later combined with such
1438 subsequent projects. Space Florida ~~The authority~~ may pledge for
1439 the security of the revenue bonds a fixed amount, without regard
1440 to any fixed proportion of the gross revenues of any project.

1441 Section 31. Section 331.333, Florida Statutes, is amended
1442 to read:
1443 331.333 Refunding bonds.--Space Florida ~~The authority~~
1444 through its board may ~~shall have the power to~~ issue bonds to
1445 provide for the retirement or refunding of any bonds or
1446 obligations of Space Florida ~~the authority~~ that at the time of
1447 such issuance are or subsequently thereto become due and
1448 payable, or that at the time of issuance have been called or are
1449 or will be subject to call for redemption within 10 years
1450 thereafter, or the surrender of which can be procured from the
1451 holders thereof at prices satisfactory to the board. Refunding
1452 bonds may be issued at any time when in the judgment of the
1453 board such issuance will be advantageous to Space Florida ~~the~~
1454 ~~authority~~. The provisions of this act pertaining to bonds of
1455 Space Florida ~~the authority~~ shall, unless the context otherwise
1456 requires, govern the issuance of refunding bonds, the form and
1457 other details thereof, the rights of the holders thereof, and
1458 the duties of the board with respect to the same.
1459 Section 32. Section 331.334, Florida Statutes, is amended
1460 to read:
1461 331.334 Pledging assessments and other revenues and
1462 properties as additional security on bonds.--Space Florida ~~The~~
1463 ~~authority~~ may pledge as additional security for the payment of
1464 any of the bonds of Space Florida ~~the authority~~ its full faith
1465 and credit, and provide that such bonds shall be payable as to
1466 both principal and interest, and as to any reserve or other
1467 funds provided therefor, to the full extent that any revenues as
1468 defined in this act, assessments, or other funds, or any

1469 combination thereof, pledged therefor are insufficient for the
1470 full payment of the same, and provided further that no bonds
1471 shall be issued to the payment of which the full faith and
1472 credit of Space Florida ~~the authority~~ is pledged unless approved
1473 at an election in the manner provided by law. Space Florida ~~The~~
1474 ~~authority~~ by resolution of the board may also pledge as
1475 additional security for said bonds the revenues from any project
1476 of Space Florida ~~the authority~~, utility service, assessments,
1477 and any other sources of revenue or funds, or any combination of
1478 the foregoing, and may pledge or mortgage any of the properties,
1479 rights, interest, or other assets of Space Florida ~~the~~
1480 ~~authority~~. Bonds issued by Space Florida ~~the authority~~ are not
1481 secured by the full faith and credit of the State of Florida and
1482 do not constitute an obligation, either general or special,
1483 thereof. The board may also provide with respect to any bonds of
1484 Space Florida ~~the authority~~ that such bonds shall be payable, in
1485 whole or in part, as to principal amount or interest, or both,
1486 out of rates, fees, rentals, tolls, fares, or other charges
1487 collected with respect to any of the projects of Space Florida
1488 ~~the authority~~.
1489 Section 33. Section 331.335, Florida Statutes, is amended
1490 to read:
1491 331.335 Lien of pledges.--All pledges of revenues and
1492 assessments made pursuant to the provisions of this act shall be
1493 valid and binding from the time when such pledges are made. All
1494 such revenues and assessments so pledged and thereafter
1495 collected shall immediately be subject to the lien of such
1496 pledges without any physical delivery thereof or further action,

1497 and the lien of such pledges shall be valid and binding as
1498 against all parties having claims of any kind in tort, contract,
1499 or otherwise against Space Florida ~~the authority~~, irrespective
1500 of whether such parties have notice thereof.
1501 Section 34. Section 331.336, Florida Statutes, is amended
1502 to read:
1503 331.336 Issuance of bond anticipation notes.--In addition
1504 to the other powers provided for in this act and not in
1505 limitation thereof, Space Florida may ~~the authority shall have~~
1506 ~~the power~~, at any time from time to time after the issuance of
1507 any bonds of Space Florida ~~the authority shall~~ have been
1508 authorized, ~~to~~ borrow money for the purposes for which such
1509 bonds are to be issued in anticipation of the receipt of the
1510 proceeds of the sale of such bonds and ~~to~~ issue bond
1511 anticipation notes in a principal amount not in excess of the
1512 authorized maximum amount of such bond issue. Such notes shall
1513 be in such denomination or denominations, bear interest at such
1514 rate or rates, mature at such time or times, be renewable for
1515 such additional term or terms, and be in such form and executed
1516 in such manner as the board shall prescribe. Such notes may be
1517 sold at public sale, or if such notes shall be renewable notes,
1518 may be exchanged for notes then outstanding on such terms as the
1519 board shall determine. Such notes shall be paid from the
1520 proceeds of such bonds when issued. The board may in its
1521 discretion, in lieu of retiring the notes by means of bonds,
1522 retire them by means of current revenues or from any assessments
1523 levied for the payment of such bonds, but in such event a like
1524 amount of the bonds authorized shall not be issued.

1525 Section 35. Section 331.337, Florida Statutes, is amended
1526 to read:
1527 331.337 Short-term borrowing.--Space Florida ~~The authority~~
1528 at any time may obtain loans, in such amount and on such terms
1529 and conditions as the board may approve, for the purpose of
1530 paying any of the expenses of Space Florida ~~the authority~~ or any
1531 costs incurred or that may be incurred in connection with any of
1532 the projects of Space Florida ~~the authority~~, which loans shall
1533 have such term or terms, be renewable for such term or terms,
1534 bear interest at such rate or rates, and be payable from and
1535 secured by a pledge of such funds, revenues, and assessments as
1536 the board may determine. For the purpose of defraying such costs
1537 and expenses, Space Florida ~~the authority~~ may issue negotiable
1538 notes, warrants, or other evidences of debt signed on behalf of
1539 Space Florida ~~the authority~~ by any one of the board, such notes
1540 or other evidences of indebtedness to be payable at such time or
1541 times, to bear interest at such rate or rates, and to be sold or
1542 discounted at such price or prices and on such term or terms as
1543 the board may deem advisable. The board may ~~shall have the right~~
1544 ~~to~~ provide for the payment thereof by pledging the whole or any
1545 part of the funds, revenues, and assessments of Space Florida
1546 ~~the authority~~.
1547 Section 36. Section 331.338, Florida Statutes, is amended
1548 to read:
1549 331.338 Trust agreements.--In the discretion of the board,
1550 any issue of bonds may be secured by a trust agreement by and
1551 between Space Florida ~~the authority~~ and a corporate trustee
1552 which may be any trust company or bank having the powers of a

1553 trust company within or without the state. The resolution
1554 authorizing the issuance of the bonds or such trust agreement
1555 may pledge the revenues to be received from any projects of
1556 Space Florida ~~the authority~~ and any other authorized moneys to
1557 be used for the repayment of bonds, and may contain such
1558 provisions for protecting and enforcing the rights and remedies
1559 of the bondholders as the board may approve, including without
1560 limitation covenants setting forth the duties of Space Florida
1561 ~~the authority~~ in relation to the acquisition, planning,
1562 development, construction, reconstruction, improvement,
1563 maintenance, repair, operation, and insurance of any projects,
1564 the fixing and revision of the rates, fees, rentals, tolls,
1565 fares, and charges, and the custody, safeguarding, and
1566 application of all moneys, and for the employment of consulting
1567 engineers in connection with such acquisition, planning,
1568 development, construction, reconstruction, improvement,
1569 maintenance, repair, or operation. It shall be lawful for any
1570 bank or trust company incorporated under the laws of the state
1571 or the United States which may act as a depository of the
1572 proceeds of bonds or of revenues to furnish such indemnifying
1573 bonds or to pledge such securities as may be required by Space
1574 Florida ~~the authority~~. Such resolution or trust agreement may
1575 set forth the rights and remedies of the bondholders and of the
1576 trustee, if any, and may restrict the individual right of action
1577 by bondholders. The board may provide for the payment of the
1578 proceeds of the sale of the bonds and the revenues of any
1579 project to such officer, board, or depository as it may
1580 designate for the custody thereof, and for the method of

1581 disbursement thereof, with such safeguards and restrictions as
1582 it may determine. All expenses incurred in carrying out the
1583 provisions of such resolution or trust agreement may be treated
1584 as part of the cost of the project to which such trust agreement
1585 pertains.
1586 Section 37. Section 331.339, Florida Statutes, is amended
1587 to read:
1588 331.339 Sale of bonds.--Bonds may be sold in blocks or
1589 installments at different times, or an entire issue or series
1590 may be sold at one time. Bonds may only be sold at public sale
1591 after being advertised and publicly noticed, unless Space
1592 Florida ~~the authority~~ has previously complied with the
1593 provisions of s. 218.385. Bonds may be sold or exchanged for
1594 refunding bonds. Special assessment and revenue bonds may be
1595 delivered as payment by Space Florida ~~the authority~~ of the
1596 purchase price or lease of any project or part thereof, or a
1597 combination of projects or parts thereof, or as the purchase
1598 price of, or exchange for, any property, real, personal, or
1599 mixed, including franchises, or services rendered by any
1600 contractor, engineer, or other person, all at one time or in
1601 blocks from time to time, in such manner and upon such terms as
1602 the board in its discretion shall determine. The price or prices
1603 for any bonds sold, exchanged, or delivered may be:
1604 (1) The money paid for the bonds.
1605 (2) The principal amount, plus accrued interest to date of
1606 redemption or exchange, of outstanding obligations exchanged for
1607 refunding bonds.

1608 (3) In the case of special assessment or revenue bonds,
1609 the amount of any indebtedness to contractors or other persons
1610 paid with such bonds, or the fair value of any properties
1611 exchanged for the bonds, as determined by the board.
1612 Section 38. Section 331.340, Florida Statutes, is amended
1613 to read:
1614 331.340 Authorization and form of bonds.--Bonds may be
1615 authorized by resolution or resolutions of the board which shall
1616 be adopted by a majority of all of the members thereof then in
1617 office and present at the meeting at which the resolution or
1618 resolutions are adopted and shall be approved as provided in s.
1619 331.305. The resolution or resolutions of the board may be
1620 adopted at the same meeting at which they are introduced, and
1621 shall be published and noticed. The board may by resolution
1622 authorize the issuance of bonds, fix the aggregate amount of
1623 bonds to be issued, the purpose or purposes for which the moneys
1624 derived therefrom shall be expanded, the rate or rates of
1625 interest, the denomination of the bonds, whether or not the
1626 bonds are to be issued in one or more series, the date or dates
1627 thereof, the date or dates of maturity, which shall not exceed
1628 40 years from their respective dates of issuance, the medium of
1629 payment, the place or places within or without the state where
1630 payment shall be made, registration privileges, redemption terms
1631 and privileges (whether with or without premium), the manner of
1632 execution, the form of the bonds including any interest coupons
1633 to be attached thereto, the manner of execution of bonds and
1634 coupons, and any and all other terms, covenants, and conditions
1635 thereof, and the establishment of reserve or other funds. Such

1636 authorizing resolution may further provide that such bonds may
1637 be executed manually or by engraved, lithographed, or facsimile
1638 signature, provided that where signatures are engraved,
1639 lithographed, or facsimile no bond shall be valid unless
1640 countersigned by a registrar or other officer designated by
1641 appropriate resolution of the board. The seal of Space Florida
1642 ~~the authority~~ may be affixed, lithographed, engraved, or
1643 otherwise reproduced in facsimile on such bonds. In case any
1644 officer whose signature or a facsimile of whose signature shall
1645 appear on any bonds or coupons shall cease to be such officer
1646 before the delivery of such bonds, such signature or facsimile
1647 shall nevertheless be valid and sufficient for all purposes the
1648 same as if the officer had remained in office until such
1649 delivery.
1650 Section 39. Section 331.343, Florida Statutes, is amended
1651 to read:
1652 331.343 Defeasance.--The board may make such provision
1653 with respect to the defeasance of the right, title, and interest
1654 of the holders of any of the bonds and obligations of Space
1655 Florida ~~the authority~~ in any revenues, funds, or other
1656 properties by which such bonds are secured as the board deems
1657 appropriate and, without limitation on the foregoing, may
1658 provide that when such bonds or obligations become due and
1659 payable or shall have been called for redemption, and the whole
1660 amount of the principal and the interest and premium, if any,
1661 due and payable upon the bonds or obligations when outstanding
1662 shall be paid, or sufficient moneys or direct obligations of the
1663 United States Government the principal of and the interest on

1664 which when due will provide sufficient moneys, shall be held or
1665 deposited in trust for such purpose, and provision shall also be
1666 made for paying all other sums payable in connection with such
1667 bonds or other obligations, then and in such event the right,
1668 title, and interest of the holders of the bonds in any revenues,
1669 funds, or other properties by which such bonds are secured shall
1670 thereupon cease, terminate, and become void; and the board may
1671 apply any surplus in any sinking fund established in connection
1672 with such bonds or obligations and all balances remaining in all
1673 other funds or accounts other than money held for the redemption
1674 or payment of the bonds or other obligations to any lawful
1675 purpose of Space Florida ~~the authority~~ as the board shall
1676 determine.
1677 Section 40. Section 331.345, Florida Statutes, is amended
1678 to read:
1679 331.345 Covenants.--Any resolution authorizing the
1680 issuance of bonds may contain such covenants as the board may
1681 deem advisable and all such covenants shall constitute valid and
1682 legally binding and enforceable contracts between Space Florida
1683 ~~the authority~~ and the bondholders, regardless of the time of
1684 issuance thereof. Such covenants may include, without
1685 limitation, covenants concerning the disposition of the bond
1686 proceeds, the use and disposition of project revenues, the
1687 pledging of revenues, and assessments, the obligations of Space
1688 Florida ~~the authority~~ with respect to the operation of the
1689 project and the maintenance of adequate project revenues, the
1690 issuance of additional bonds, the appointment, powers, and
1691 duties of trustees and receivers, the acquisition of outstanding

1692 bonds and obligations, restrictions on the establishing of
1693 competing projects or facilities, restrictions on the sale or
1694 disposal of the assets and property of Space Florida ~~the~~
1695 ~~authority~~, the priority of assessment liens, the priority of
1696 claims by bondholders on the taxing power of Space Florida ~~the~~
1697 ~~authority~~, the maintenance of deposits to assure the payment of
1698 revenues by users of spaceport facilities and services, the
1699 discontinuance of Space Florida ~~authority~~ services by reason of
1700 delinquent payments, acceleration upon default, the execution of
1701 necessary instruments, the procedure for amending or abrogating
1702 covenants with the bondholders, and such other covenants as may
1703 be deemed necessary or desirable for the security of the
1704 bondholders.
1705 Section 41. Section 331.346, Florida Statutes, is amended
1706 to read:
1707 331.346 Validity of bonds; validation proceedings.--Any
1708 bonds issued by Space Florida ~~the authority~~ shall be
1709 incontestable in the hands of bona fide purchasers or holders
1710 for value and shall not be invalid because of any irregularity
1711 or defect in the proceedings for the issue and sale thereof.
1712 Prior to the issuance of any bonds, Space Florida ~~the authority~~
1713 shall publish a notice at least once in a newspaper or
1714 newspapers published or of general circulation in the
1715 appropriate counties in the state, stating the date of adoption
1716 of the resolution authorizing such obligations, the amount,
1717 maximum rate of interest, and maturity of such obligations, and
1718 the purpose in general terms for which such obligations are to
1719 be issued, and further stating that no action or proceeding

1720 questioning the validity of such obligations or of the
1721 proceedings authorizing the issuance thereof, or of any
1722 covenants made therein, must be instituted within 20 days after
1723 the first publication of such notice, or the validity of such
1724 obligations, proceedings, and covenants shall not be thereafter
1725 questioned in any court whatsoever. If no such action or
1726 proceeding is so instituted within such 20-day period, then the
1727 validity of such obligations, proceedings, and covenants shall
1728 be conclusive, and all persons or parties whatsoever shall be
1729 forever barred from questioning the validity of such
1730 obligations, proceedings, or covenants in any court whatsoever.
1731 Section 42. Section 331.347, Florida Statutes, is amended
1732 to read:
1733 331.347 Act furnishes full authority for issuance of
1734 bonds.--This act constitutes full and complete authority for the
1735 issuance of bonds and the exercise of the powers of Space
1736 Florida ~~the authority~~ provided herein. Any and all bonds issued
1737 by Space Florida ~~the authority~~ shall not be secured by the full
1738 faith and credit of the State of Florida and do not constitute
1739 an obligation, either general or special, thereof.
1740 Section 43. Section 331.348, Florida Statutes, is amended
1741 to read:
1742 331.348 Investment of funds.--The board may in its
1743 discretion invest funds of Space Florida ~~the authority~~ through
1744 the Chief Financial Officer or in:
1745 (1) Direct obligations of or obligations guaranteed by the
1746 United States or for the payment of the principal and interest
1747 of which the faith and credit of the United States is pledged;

1748 (2) Bonds or notes issued by any of the following federal
1749 agencies: Bank for Cooperatives; federal intermediate credit
1750 banks; federal home loan bank system; federal land banks; or the
1751 Federal National Mortgage Association (including debentures or
1752 participating certificates issued by such association);
1753 (3) Public housing bonds issued by public housing
1754 authorities and secured by a pledge or annual contributions
1755 under an annual contribution contract or contracts with the
1756 United States;
1757 (4) Bonds or other interest-bearing obligations of any
1758 county, district, city, or town located in the state for which
1759 the full faith and credit of such political subdivision is
1760 pledged;
1761 (5) Any investment authorized for insurers by ss. 625.306-
1762 625.316 and amendments thereto; or
1763 (6) Any investment authorized under s. 17.57 and
1764 amendments thereto.
1765 Section 44. Section 331.349, Florida Statutes, is amended
1766 to read:
1767 331.349 Fiscal year of Space Florida ~~the authority~~.--The
1768 board may ~~has the power to~~ establish and from time to time
1769 redetermine the fiscal year of Space Florida ~~the authority~~.
1770 Unless the board otherwise provides, Space Florida's ~~the~~
1771 ~~authority's~~ fiscal year shall be July 1 through June 30.
1772 Section 45. Section 331.350, Florida Statutes, is amended
1773 to read:
1774 331.350 Insurance coverage of Space Florida ~~the authority~~;
1775 safety program.--

1776 (1) Notwithstanding any other provision of law, the State
1777 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1778 not insure buildings and property owned or leased by Space
1779 Florida ~~the authority~~.
1780 (2) Notwithstanding any other provision of law, the State
1781 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1782 not insure against any liability of Space Florida ~~the authority~~.
1783 (3) Space Florida ~~The authority~~ shall establish a safety
1784 program. The safety program shall include:
1785 (a) The development and implementation of a loss
1786 prevention program which shall consist of a comprehensive
1787 ~~authority wide~~ safety program for all of Space Florida,
1788 including a statement, established by the board of directors
1789 ~~supervisors~~, of safety policy and responsibility.
1790 (b) Provision for regular and periodic facility and
1791 equipment inspections.
1792 (c) Investigation of job-related employee accidents and
1793 other accidents occurring on the premises of Space Florida ~~the~~
1794 ~~authority~~ or within areas of its jurisdiction.
1795 (d) Establishment of a program to promote increased safety
1796 awareness among employees, agents, and subcontractors of Space
1797 Florida ~~the authority~~.
1798 (4)(a) Space Florida ~~The authority~~ shall, if available,
1799 secure insurance coverage within reasonable limits for liability
1800 which may arise as a consequence of its responsibilities.
1801 (b) Space Florida ~~The authority~~ shall, if available, and
1802 if cost-effective, secure insurance coverage on its buildings,
1803 facilities, and property at reasonable levels.

1804 (c) Space Florida ~~The authority~~, with respect to the
1805 purchase of insurance, shall be subject to the applicable
1806 provisions of chapter 287 and other applicable law.
1807 Section 46. Section 331.351, Florida Statutes, is amended
1808 to read:
1809 331.351 Participation by women, minorities, and socially
1810 and economically disadvantaged business enterprises
1811 encouraged.--It is the intent of the Legislature and the public
1812 policy of this state that women, minorities, and socially and
1813 economically disadvantaged business enterprises be encouraged to
1814 participate fully in all phases of economic and community
1815 development. Accordingly, to achieve such purpose, Space Florida
1816 ~~the authority~~ shall, in accordance with applicable state and
1817 federal law, involve and utilize women, minorities, and socially
1818 and economically disadvantaged business enterprises in all
1819 phases of the design, development, construction, maintenance,
1820 and operation of spaceports developed under this act.
1821 Section 47. Section 331.354, Florida Statutes, is amended
1822 to read:
1823 331.354 Tax exemption.--The exercise of the powers granted
1824 by this act in all respects shall be for the benefit of the
1825 people of the state, for the increase of their industry and
1826 prosperity, for the improvement of their health and living
1827 conditions, and for the provision of gainful employment and
1828 shall constitute the performance of essential public functions.
1829 Space Florida is ~~The authority shall~~ not ~~be~~ required to pay any
1830 taxes on any project or any other property owned by Space
1831 Florida ~~the authority~~ under ~~the provisions of~~ this act or upon

1832 the income therefrom. The bonds issued under ~~the provisions of~~
1833 this act or upon the income therefrom (including any profit made
1834 on the sale thereof), and all notes, mortgages, security
1835 agreements, letters of credit, or other instruments which arise
1836 out of or are given to secure the repayment of bonds issued in
1837 connection with a project financed under this act, shall at all
1838 times be free from taxation by the state or any local unit,
1839 political subdivision, or other instrumentality of the state.
1840 ~~Nothing in~~ This section, however, does not exempt ~~shall be~~
1841 ~~construed as exempting~~ from taxation or assessments the
1842 leasehold interest of a lessee in any project or any other
1843 property or interest owned by the lessee. The exemption granted
1844 by this section is ~~shall~~ not ~~be~~ applicable to any tax imposed by
1845 chapter 220 on interest, income, or profits on debt obligations
1846 owned by corporations.
1847 Section 48. Section 331.355, Florida Statutes, is amended
1848 to read:
1849 331.355 Use of name; ownership rights to intellectual
1850 property.--
1851 (1)(a) The corporate name of a corporation incorporated or
1852 authorized to transact business in this state, or the name of
1853 any person or business entity transacting business in this
1854 state, may not use the words "Space Florida," "Florida Space
1855 Authority," "Florida Aerospace Finance Corporation," "Florida
1856 Space Research Institute," "spaceport Florida," or "Florida
1857 spaceport" in its name unless Space Florida ~~the authority~~ gives
1858 written approval for such use.

1859 (b) The Department of State may dissolve, pursuant to s.
1860 607.1421, any corporation that violates paragraph (a).
1861 (2) Notwithstanding any provision of chapter 286, the
1862 legal title and every right, interest, claim, or demand of any
1863 kind in and to any patent, trademark, copyright, certification
1864 mark, or other right acquired under the patent and trademark
1865 laws of the United States or this state or any foreign country,
1866 or the application for the same, as is owned or held, acquired,
1867 or developed by Space Florida ~~the authority~~, under the authority
1868 and directions given it by this part, is vested in Space Florida
1869 ~~the authority~~ for the use, benefit, and purposes provided in
1870 this part. Space Florida ~~The authority~~ is vested with and is
1871 authorized to exercise any and all of the normal incidents of
1872 such ownership, including the receipt and disposition of
1873 royalties. Any sums received as royalties from any such rights
1874 are hereby appropriated to Space Florida ~~the authority~~ for any
1875 and all of the purposes and uses provided in this part.
1876 Section 49. Section 331.360, Florida Statutes, is amended
1877 to read:
1878 331.360 Joint project agreement or assistance; spaceport
1879 master plan.--
1880 (1) It shall be the duty, function, and responsibility of
1881 the Department of Transportation to promote the further
1882 development and improvement of aerospace transportation
1883 facilities; to address intermodal requirements and impacts of
1884 the launch ranges, spaceports, and other space transportation
1885 facilities; to assist in the development of joint-use facilities
1886 and technology that support aviation and aerospace operations;

1887 and to facilitate and promote cooperative efforts between
1888 federal and state government entities to improve space
1889 transportation capacity and efficiency. In carrying out this
1890 duty and responsibility, the department may assist and advise,
1891 cooperate with, and coordinate with federal, state, local, or
1892 private organizations and individuals. The department may
1893 administratively house its space transportation responsibilities
1894 within an existing division or office.
1895 (2) Notwithstanding any other provision of law, the
1896 Department of Transportation may enter into a joint project
1897 agreement with, or otherwise assist, ~~the Florida~~ Space Florida
1898 ~~Authority~~ as necessary to effectuate the provisions of this
1899 chapter and may allocate funds for such purposes in its 5-year
1900 work program. However, the department may not fund the
1901 administrative or operational costs of Space Florida ~~the~~
1902 ~~authority~~.
1903 (3) Space Florida ~~The authority~~ shall develop a spaceport
1904 master plan for expansion and modernization of space
1905 transportation facilities within spaceport territories as
1906 defined in s. 331.303~~(23)~~. The plan shall contain recommended
1907 projects to meet current and future commercial, national, and
1908 state space transportation requirements. Space Florida ~~The~~
1909 ~~authority~~ shall submit the plan to any appropriate metropolitan
1910 planning organization ~~M.P.O.~~ for review of intermodal impacts.
1911 Space Florida ~~The authority~~ shall submit the spaceport master
1912 plan to the Department of Transportation, and such plan may be
1913 included within the department's 5-year work program of
1914 qualifying aerospace discretionary capacity improvement under

1915 subsection (4). The plan shall identify appropriate funding
1916 levels and include recommendations on appropriate sources of
1917 revenue that may be developed to contribute to the State
1918 Transportation Trust Fund.
1919 (4) Subject to the availability of appropriated funds, the
1920 department may participate in the capital cost of eligible
1921 spaceport discretionary capacity improvement projects. The
1922 annual legislative budget request shall be based on the proposed
1923 funding requested for approved spaceport discretionary capacity
1924 improvement projects.
1925 Section 50. Section 331.369, Florida Statutes, is amended
1926 to read:
1927 331.369 Space Industry Workforce Initiative.--
1928 (1) The Legislature finds that the aerospace ~~space~~
1929 industry is critical to the economic future of the state and
1930 that the competitiveness of the industry in the state depends
1931 upon the development and maintenance of a qualified workforce.
1932 The Legislature further finds that the aerospace ~~space~~ industry
1933 in this state has diverse and complex workforce needs,
1934 including, but not limited to, the need for qualified entry-
1935 level workers, the need to upgrade the skills of technician-
1936 level incumbent workers, and the need to ensure continuing
1937 education opportunities for workers with advanced educational
1938 degrees. It is the intent of the Legislature to support programs
1939 designed to address the workforce development needs of the
1940 aerospace ~~space~~ industry in this state.
1941 (2) The Workforce Development Board of Enterprise Florida,
1942 Inc., or it successor entity, shall coordinate development of a

1943 Space Industry Workforce Initiative in partnership with Space
1944 Florida, ~~the Florida Space Research Institute, the institute's~~
1945 ~~consortium of~~ public and private universities, community
1946 colleges, and other training providers approved by the board.
1947 The purpose of the initiative is to use or revise existing
1948 programs and to develop innovative new programs to address the
1949 workforce needs of the aerospace ~~space~~ industry.
1950 (3) The initiative shall emphasize:
1951 (a) Curricula content and timeframes developed with
1952 industry participation and endorsed by the industry;
1953 (b) Programs that certify persons completing training as
1954 meeting industry-approved standards or competencies;
1955 (c) Use of distance-learning and computer-based training
1956 modules as appropriate and feasible;
1957 (d) Industry solicitation of public and private
1958 universities to develop continuing education programs at the
1959 master's and doctoral levels;
1960 (e) Agreements with the National Aeronautics and Space
1961 Administration to replicate on a national level successful
1962 training programs developed through the initiative; and
1963 (f) Leveraging of state and federal workforce funds.
1964 (4) The Workforce Development Board of Enterprise Florida,
1965 Inc., or its successor entity, with the assistance of Space
1966 Florida ~~the Florida Space Research Institute~~, shall convene
1967 representatives from the aerospace ~~space~~ industry to identify
1968 the priority training and education needs of the industry and to
1969 appoint a team to design programs to meet the ~~such~~ priority
1970 needs.

1971 (5) The Workforce Development Board of Enterprise Florida,
1972 Inc., or its successor entity, as part of its statutorily
1973 prescribed annual report to the Legislature, shall provide
1974 recommendations for policies, programs, and funding to enhance
1975 the workforce needs of the aerospace ~~space~~ industry.
1976 Section 51. Paragraph (g) of subsection (2) of section
1977 14.2015, Florida Statutes, is amended to read:
1978 14.2015 Office of Tourism, Trade, and Economic
1979 Development; creation; powers and duties.--
1980 (2) The purpose of the Office of Tourism, Trade, and
1981 Economic Development is to assist the Governor in working with
1982 the Legislature, state agencies, business leaders, and economic
1983 development professionals to formulate and implement coherent
1984 and consistent policies and strategies designed to provide
1985 economic opportunities for all Floridians. To accomplish such
1986 purposes, the Office of Tourism, Trade, and Economic Development
1987 shall:
1988 (g) Serve as contract administrator for the state with
1989 respect to contracts with Enterprise Florida, Inc., the Florida
1990 Commission on Tourism, Space Florida, and all direct-support
1991 organizations under this act, excluding those relating to
1992 tourism. To accomplish the provisions of this act and applicable
1993 provisions of chapter 288, and notwithstanding the provisions of
1994 part I of chapter 287, the office shall enter into specific
1995 contracts with Enterprise Florida, Inc., the Florida Commission
1996 on Tourism, and other appropriate direct-support organizations.
1997 Such contracts may be multiyear and shall include specific
1998 performance measures for each year.

1999 Section 52. Section 74.011, Florida Statutes, is amended
2000 to read:
2001 74.011 Scope.--In any eminent domain action, properly
2002 instituted by and in the name of the state; the Department of
2003 Transportation; any county, school board, municipality,
2004 expressway authority, regional water supply authority,
2005 transportation authority, flood control district, or drainage or
2006 subdrainage district; the ship canal authority; any lawfully
2007 constituted housing, port, or aviation authority; ~~the Florida~~
2008 ~~Space Authority;~~ or any rural electric cooperative, telephone
2009 cooperative corporation, or public utility corporation, the
2010 petitioner may avail itself of the provisions of this chapter to
2011 take possession and title in advance of the entry of final
2012 judgment.
2013 Section 53. Subsection (6) of section 196.012, Florida
2014 Statutes, is amended to read:
2015 196.012 Definitions.--For the purpose of this chapter, the
2016 following terms are defined as follows, except where the context
2017 clearly indicates otherwise:
2018 (6) Governmental, municipal, or public purpose or function
2019 shall be deemed to be served or performed when the lessee under
2020 any leasehold interest created in property of the United States,
2021 the state or any of its political subdivisions, or any
2022 municipality, agency, special district, authority, or other
2023 public body corporate of the state is demonstrated to perform a
2024 function or serve a governmental purpose which could properly be
2025 performed or served by an appropriate governmental unit or which
2026 is demonstrated to perform a function or serve a purpose which

2027 would otherwise be a valid subject for the allocation of public
2028 funds. For purposes of the preceding sentence, an activity
2029 undertaken by a lessee which is permitted under the terms of its
2030 lease of real property designated as an aviation area on an
2031 airport layout plan which has been approved by the Federal
2032 Aviation Administration and which real property is used for the
2033 administration, operation, business offices and activities
2034 related specifically thereto in connection with the conduct of
2035 an aircraft full service fixed base operation which provides
2036 goods and services to the general aviation public in the
2037 promotion of air commerce shall be deemed an activity which
2038 serves a governmental, municipal, or public purpose or function.
2039 Any activity undertaken by a lessee which is permitted under the
2040 terms of its lease of real property designated as a public
2041 airport as defined in s. 332.004(14) by municipalities,
2042 agencies, special districts, authorities, or other public bodies
2043 corporate and public bodies politic of the state, a spaceport as
2044 defined in s. 331.303~~(19)~~, or which is located in a deepwater
2045 port identified in s. 403.021(9)(b) and owned by one of the
2046 foregoing governmental units, subject to a leasehold or other
2047 possessory interest of a nongovernmental lessee that is deemed
2048 to perform an aviation, airport, aerospace, maritime, or port
2049 purpose or operation shall be deemed an activity that serves a
2050 governmental, municipal, or public purpose. The use by a lessee,
2051 licensee, or management company of real property or a portion
2052 thereof as a convention center, visitor center, sports facility
2053 with permanent seating, concert hall, arena, stadium, park, or
2054 beach is deemed a use that serves a governmental, municipal, or

2055 public purpose or function when access to the property is open
2056 to the general public with or without a charge for admission. If
2057 property deeded to a municipality by the United States is
2058 subject to a requirement that the Federal Government, through a
2059 schedule established by the Secretary of the Interior, determine
2060 that the property is being maintained for public historic
2061 preservation, park, or recreational purposes and if those
2062 conditions are not met the property will revert back to the
2063 Federal Government, then such property shall be deemed to serve
2064 a municipal or public purpose. The term "governmental purpose"
2065 also includes a direct use of property on federal lands in
2066 connection with the Federal Government's Space Exploration
2067 Program or spaceport activities as defined in s. 212.02(22).
2068 Real property and tangible personal property owned by the
2069 Federal Government or Space Florida ~~the Florida Space Authority~~
2070 and used for defense and space exploration purposes or which is
2071 put to a use in support thereof shall be deemed to perform an
2072 essential national governmental purpose and shall be exempt.
2073 "Owned by the lessee" as used in this chapter does not include
2074 personal property, buildings, or other real property
2075 improvements used for the administration, operation, business
2076 offices and activities related specifically thereto in
2077 connection with the conduct of an aircraft full service fixed
2078 based operation which provides goods and services to the general
2079 aviation public in the promotion of air commerce provided that
2080 the real property is designated as an aviation area on an
2081 airport layout plan approved by the Federal Aviation
2082 Administration. For purposes of determination of "ownership,"

2083 buildings and other real property improvements which will revert
2084 to the airport authority or other governmental unit upon
2085 expiration of the term of the lease shall be deemed "owned" by
2086 the governmental unit and not the lessee. Providing two-way
2087 telecommunications services to the public for hire by the use of
2088 a telecommunications facility, as defined in s. 364.02(15), and
2089 for which a certificate is required under chapter 364 does not
2090 constitute an exempt use for purposes of s. 196.199, unless the
2091 telecommunications services are provided by the operator of a
2092 public-use airport, as defined in s. 332.004, for the operator's
2093 provision of telecommunications services for the airport or its
2094 tenants, concessionaires, or licensees, or unless the
2095 telecommunications services are provided by a public hospital.
2096 However, property that is being used to provide such
2097 telecommunications services on or before October 1, 1997, shall
2098 remain exempt, but such exemption expires October 1, 2004.
2099 Section 54. Subsection (22) of section 212.02, Florida
2100 Statutes, is amended to read:
2101 212.02 Definitions.--The following terms and phrases when
2102 used in this chapter have the meanings ascribed to them in this
2103 section, except where the context clearly indicates a different
2104 meaning:
2105 (22) "Spaceport activities" means activities directed or
2106 sponsored by Space Florida ~~the Florida Space Authority~~ on
2107 spaceport territory pursuant to its powers and responsibilities
2108 under the Space Florida Act ~~Florida Space Authority Act~~.
2109 Section 55. Subsection (7) of section 288.063, Florida
2110 Statutes, is amended to read:

2111 288.063 Contracts for transportation projects.--
2112 (7) For the purpose of this section, Space Florida ~~the~~
2113 ~~Florida Space Authority~~ may serve as the local government or as
2114 the contracting agency for transportation projects within
2115 spaceport territory as defined by s. 331.304.
2116 Section 56. Subsection (1) of section 288.075, Florida
2117 Statutes, is amended to read:
2118 288.075 Confidentiality of records.--
2119 (1) As used in this section, the term "economic
2120 development agency" means the Office of Tourism, Trade, and
2121 Economic Development, any industrial development authority
2122 created in accordance with part III of chapter 159 or by special
2123 law, Space Florida ~~the Florida Space Authority~~ created in part
2124 II of chapter 331, ~~the Florida Aerospace Finance Corporation~~
2125 ~~created in part III of chapter 331,~~ the public economic
2126 development agency of a county or municipality, or any research
2127 and development authority created in accordance with part V of
2128 chapter 159. The term also includes any private agency, person,
2129 partnership, corporation, or business entity when authorized by
2130 the state, a municipality, or a county to promote the general
2131 business interests or industrial interests of the state or that
2132 municipality or county.
2133 Section 57. Subsection (2) of section 288.35, Florida
2134 Statutes, is amended to read:
2135 288.35 Definitions.--The following terms, wherever used or
2136 referred to in this part, shall have the following meanings:
2137 (2) "Government agency" means the state or any county or
2138 political subdivision thereof; any state agency; any

2139 consolidated government of a county, and some or all of the
2140 municipalities located within the ~~said~~ county; any chartered
2141 municipality in the state; and any of the institutions of such
2142 consolidated governments, counties, or municipalities.
2143 Specifically included are airports, port authorities, industrial
2144 authorities, and Space Florida ~~the Florida Space Authority~~.
2145 Section 58. Subsection (2) of section 288.9415, Florida
2146 Statutes, is amended to read:
2147 288.9415 International Trade Grants.--
2148 (2) A county, municipality, economic development council,
2149 Space Florida ~~the Florida Space Authority~~, or a not-for-profit
2150 association of businesses organized to assist in the promotion
2151 of international trade may apply for a grant of state funds for
2152 the promotion of international trade.
2153 Section 59. Paragraph (j) of subsection (5) of section
2154 212.08, Florida Statutes, is amended to read:
2155 212.08 Sales, rental, use, consumption, distribution, and
2156 storage tax; specified exemptions.--The sale at retail, the
2157 rental, the use, the consumption, the distribution, and the
2158 storage to be used or consumed in this state of the following
2159 are hereby specifically exempt from the tax imposed by this
2160 chapter.
2161 (5) EXEMPTIONS; ACCOUNT OF USE.--
2162 (j) Machinery and equipment used in semiconductor,
2163 defense, or space technology production and research and
2164 development.--
2165 1.a. Industrial machinery and equipment used in
2166 semiconductor technology facilities certified under subparagraph

2167 6. to manufacture, process, compound, or produce semiconductor
2168 technology products for sale or for use by these facilities are
2169 exempt from the tax imposed by this chapter. For purposes of
2170 this paragraph, industrial machinery and equipment includes
2171 molds, dies, machine tooling, other appurtenances or accessories
2172 to machinery and equipment, testing equipment, test beds,
2173 computers, and software, whether purchased or self-fabricated,
2174 and, if self-fabricated, includes materials and labor for
2175 design, fabrication, and assembly.
2176 b. Industrial machinery and equipment used in defense or
2177 space technology facilities certified under subparagraph 6. to
2178 design, manufacture, assemble, process, compound, or produce
2179 defense technology products or space technology products for
2180 sale or for use by these facilities are exempt from ~~25 percent~~
2181 ~~of~~ the tax imposed by this chapter.
2182 2.a. Machinery and equipment are exempt from the tax
2183 imposed by this chapter if used predominately in semiconductor
2184 wafer research and development activities in a semiconductor
2185 technology research and development facility certified under
2186 subparagraph 6. For purposes of this paragraph, machinery and
2187 equipment includes molds, dies, machine tooling, other
2188 appurtenances or accessories to machinery and equipment, testing
2189 equipment, test beds, computers, and software, whether purchased
2190 or self-fabricated, and, if self-fabricated, includes materials
2191 and labor for design, fabrication, and assembly.
2192 b. Machinery and equipment are exempt from ~~25 percent of~~
2193 the tax imposed by this chapter if used predominately in defense
2194 or space research and development activities in a defense or

2195 space technology research and development facility certified
2196 under subparagraph 6.
2197 3. Building materials purchased for use in manufacturing
2198 or expanding clean rooms in semiconductor-manufacturing
2199 facilities are exempt from the tax imposed by this chapter.
2200 4. In addition to meeting the criteria mandated by
2201 subparagraph 1., subparagraph 2., or subparagraph 3., a business
2202 must be certified by the Office of Tourism, Trade, and Economic
2203 Development as authorized in this paragraph in order to qualify
2204 for exemption under this paragraph.
2205 5. For items purchased tax exempt pursuant to this
2206 paragraph, possession of a written certification from the
2207 purchaser, certifying the purchaser's entitlement to exemption
2208 pursuant to this paragraph, relieves the seller of the
2209 responsibility of collecting the tax on the sale of such items,
2210 and the department shall look solely to the purchaser for
2211 recovery of tax if it determines that the purchaser was not
2212 entitled to the exemption.
2213 6.a. To be eligible to receive the exemption provided by
2214 subparagraph 1., subparagraph 2., or subparagraph 3., a
2215 qualifying business entity shall apply to Enterprise Florida,
2216 Inc. The application shall be developed by the Office of
2217 Tourism, Trade, and Economic Development in consultation with
2218 Enterprise Florida, Inc.
2219 b. Enterprise Florida, Inc., shall review each submitted
2220 application and information and determine whether or not the
2221 application is complete within 5 working days. Once an
2222 application is complete, Enterprise Florida, Inc., shall, within

2223 10 working days, evaluate the application and recommend approval
2224 or disapproval of the application to the Office of Tourism,
2225 Trade, and Economic Development.
2226 c. Upon receipt of the application and recommendation from
2227 Enterprise Florida, Inc., the Office of Tourism, Trade, and
2228 Economic Development shall certify within 5 working days those
2229 applicants who are found to meet the requirements of this
2230 section and notify the applicant, Enterprise Florida, Inc., and
2231 the department of the certification. If the Office of Tourism,
2232 Trade, and Economic Development finds that the applicant does
2233 not meet the requirements of this section, it shall notify the
2234 applicant and Enterprise Florida, Inc., within 10 working days
2235 that the application for certification has been denied and the
2236 reasons for denial. The Office of Tourism, Trade, and Economic
2237 Development has final approval authority for certification under
2238 this section.
2239 7.a. A business may apply once each year for the
2240 exemption.
2241 b. The application must indicate, for program evaluation
2242 purposes only, the average number of full-time equivalent
2243 employees at the facility over the preceding calendar year, the
2244 average wage and benefits paid to those employees over the
2245 preceding calendar year, the total investment made in real and
2246 tangible personal property over the preceding calendar year, and
2247 the total value of tax-exempt purchases and taxes exempted
2248 during the previous year. The department shall assist the Office
2249 of Tourism, Trade, and Economic Development in evaluating and
2250 verifying information provided in the application for exemption.

2251 c. The Office of Tourism, Trade, and Economic Development
2252 may use the information reported on the application for
2253 evaluation purposes only and shall prepare an annual report on
2254 the exemption program and its cost and impact. The annual report
2255 for the preceding fiscal year shall be submitted to the
2256 Governor, the President of the Senate, and the Speaker of the
2257 House of Representatives by September 30 of each fiscal year.
2258 8. A business certified to receive this exemption may
2259 elect to designate one or more state universities or community
2260 colleges as recipients of up to 100 percent of the amount of the
2261 exemption for which they may qualify. To receive these funds,
2262 the institution must agree to match the funds so earned with
2263 equivalent cash, programs, services, or other in-kind support on
2264 a one-to-one basis in the pursuit of research and development
2265 projects as requested by the certified business. The rights to
2266 any patents, royalties, or real or intellectual property must be
2267 vested in the business unless otherwise agreed to by the
2268 business and the university or community college.
2269 9. As used in this paragraph, the term:
2270 a. "Predominately" means at least 50 percent of the time
2271 in qualifying research and development.
2272 b. "Research and development" means basic and applied
2273 research in the science or engineering, as well as the design,
2274 development, and testing, of prototypes or processes of new or
2275 improved products, including the design, development, and
2276 testing of space launch vehicles, space flight vehicles,
2277 missiles, satellites, or research payloads, avionics, and
2278 associated control systems and processing systems, and

2279 components of any of the foregoing. Research and development
2280 does not include market research, routine consumer product
2281 testing, sales research, research in the social sciences or
2282 psychology, or similar nontechnological activities~~,~~ or ~~technical~~
2283 services.
2284 c. "Semiconductor technology products" means raw
2285 semiconductor wafers or semiconductor thin films that are
2286 transformed into semiconductor memory or logic wafers, including
2287 wafers containing mixed memory and logic circuits; related
2288 assembly and test operations; active-matrix flat panel displays;
2289 semiconductor chips; semiconductor lasers; optoelectronic
2290 elements; and related semiconductor technology products as
2291 determined by the Office of Tourism, Trade, and Economic
2292 Development.
2293 d. "Clean rooms" means manufacturing facilities enclosed
2294 in a manner that meets the clean manufacturing requirements
2295 necessary for high-technology semiconductor-manufacturing
2296 environments.
2297 e. "Defense technology products" means products that have
2298 a military application, including, but not limited to, weapons,
2299 weapons systems, guidance systems, surveillance systems,
2300 communications or information systems, munitions, aircraft,
2301 vessels, or boats, or components thereof, which are intended for
2302 military use and manufactured in performance of a contract with
2303 the United States Department of Defense or the military branch
2304 of a recognized foreign government or a subcontract thereunder
2305 which relates to matters of national defense.

2306 f. "Space technology products" means products that are
2307 specifically designed or manufactured for application in space
2308 activities, including, but not limited to, space launch
2309 vehicles, space flight vehicles, missiles, satellites or
2310 research payloads, avionics, and associated control systems and
2311 processing systems and components of any of the foregoing. The
2312 term does not include products that are designed or manufactured
2313 for general commercial aviation or other uses even though those
2314 products may also serve an incidental use in space applications.
2315 Section 60. Section 1004.86, Florida Statutes, is created
2316 to read:
2317 1004.86 Florida Center for Mathematics and Science
2318 Education Research.--
2319 (1) The Department of Education shall establish at a
2320 public state university the Florida Center for Mathematics and
2321 Science Education Research to increase student achievement in
2322 science and mathematics. The center shall:
2323 (a) Provide technical assistance and support to school
2324 districts and schools in the development and implementation of
2325 mathematics and science instruction.
2326 (b) Conduct applied research on policy and practices
2327 related to mathematics and science instruction and assessment in
2328 the state.
2329 (c) Conduct or compile basic research regarding student
2330 acquisition of mathematics and science knowledge and skills.
2331 (d) Develop comprehensive course frameworks for
2332 mathematics and science courses that emphasize rigor and
2333 relevance at the elementary, middle, and high school levels.

2334 (e) Disseminate information regarding research-based
2335 teaching practices in mathematics and science to teachers and
2336 teacher educators in the state.
2337 (f) Collect, manage, and report on assessment information
2338 regarding student achievement in mathematics and science.
2339 (g) Establish partnerships with state universities,
2340 community colleges, and school districts.
2341 (h) Collaborate with the Florida Center for Reading
2342 Research in order to provide research-based practices that
2343 integrate the teaching of reading within mathematics and
2344 sciences courses.
2345 (2) The department shall monitor the center through the
2346 Division of K-12 Public Schools.
2347 Section 61. Sections 331.314, 331.367, 331.368, 331.401,
2348 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417,
2349 and 331.419, Florida Statutes, are repealed.
2350 Section 62. The Florida Space Authority, the Florida Space
2351 Research Institute, and the Florida Aerospace Finance
2352 Corporation are dissolved effective September 1, 2006. Space
2353 Florida, as created by this act, is the successor organization
2354 to, and as such shall assume the records, property, obligations,
2355 and unexpended balances of appropriations, allocations, or other
2356 funds of, the Florida Space Authority, the Florida Space
2357 Research Institute, and the Florida Aerospace Finance
2358 Corporation.
2359 Section 63. The Governor, the President of the Senate, and
2360 the Speaker of the House of Representatives shall appoint the
2361 board of directors of Space Florida no later than July 1, 2006.

2362 The board of directors of Space Florida shall hold its first
2363 meeting no later than August 1, 2006. The board of directors of
2364 Space Florida shall appoint a president no later than September
2365 1, 2006. The Executive Office of the Governor shall provide
2366 staffing and transitional support to Space Florida until
2367 December 31, 2006.
2368 Section 64. Subsection (12) is added to section 288.1224,
2369 Florida Statutes, to read:
2370 288.1224 Powers and duties.--The commission:
2371 (12) Shall advise and cooperate with Space Florida, when
2372 appropriate and beneficial.
2373 Section 65. Subsection (7) is added to section 288.9015,
2374 Florida Statutes, to read:
2375 288.9015 Enterprise Florida, Inc.; purpose; duties.--
2376 (7) Enterprise Florida, Inc., shall advise and cooperate
2377 with Space Florida, when appropriate and beneficial, related to
2378 issues of aerospace business retention, expansion, attraction,
2379 and creation, and other related activities.
2380 Section 66. Subsection (12) is added to section 445.004,
2381 Florida Statutes, to read:
2382 445.004 Workforce Florida, Inc.; creation; purpose;
2383 membership; duties and powers.--
2384 (12) Workforce Florida, Inc., shall advise and cooperate
2385 with Space Florida, when appropriate and beneficial, for the
2386 furtherance of aerospace workforce development.
2387 Section 67. Subsection (17) is added to section 1001.10,
2388 Florida Statutes, read:

2389 1001.10 Commissioner of Education; general powers and
2390 duties.--The Commissioner of Education is the chief educational
2391 officer of the state, and is responsible for giving full
2392 assistance to the State Board of Education in enforcing
2393 compliance with the mission and goals of the seamless K-20
2394 education system. To facilitate innovative practices and to
2395 allow local selection of educational methods, the State Board of
2396 Education may authorize the commissioner to waive, upon the
2397 request of a district school board, State Board of Education
2398 rules that relate to district school instruction and school
2399 operations, except those rules pertaining to civil rights, and
2400 student health, safety, and welfare. The Commissioner of
2401 Education is not authorized to grant waivers for any provisions
2402 in rule pertaining to the allocation and appropriation of state
2403 and local funds for public education; the election,
2404 compensation, and organization of school board members and
2405 superintendents; graduation and state accountability standards;
2406 financial reporting requirements; reporting of out-of-field
2407 teaching assignments under s. 1012.42; public meetings; public
2408 records; or due process hearings governed by chapter 120. No
2409 later than January 1 of each year, the commissioner shall report
2410 to the Legislature and the State Board of Education all approved
2411 waiver requests in the preceding year. Additionally, the
2412 commissioner has the following general powers and duties:
2413 (17) To advise and cooperate with Space Florida, when
2414 appropriate and beneficial.
2415

2416 The commissioner's office shall operate all statewide functions
2417 necessary to support the State Board of Education and the K-20
2418 education system, including strategic planning and budget
2419 development, general administration, and assessment and
2420 accountability.
2421 Section 68. The following appropriations are made to the
2422 Governor's Office of Tourism, Trade, and Economic Development:
2423 (1) From nonrecurring general revenue for fiscal year
2424 2006-2007:
2425 (a) The sum of $35 million is appropriated to be used for
2426 infrastructure needs related to the development of the National
2427 Aeronautics and Space Administration's Crew Exploration Vehicle.
2428 (b) The sum of $8 million is appropriated for
2429 implementation of recommendations made by the Governor's
2430 Commission on the Future of Space and Aeronautics in Florida,
2431 including, but not limited to, commercial launch assistance and
2432 spaceport development.
2433 (2) From recurring general revenue for fiscal year 2006-
2434 2007 and annually thereafter:
2435 (a) The sum of $3 million is appropriated for operational
2436 needs of Space Florida.
2437 (b) The sum of $4 million is appropriated for
2438 implementation of innovative education programs and financing
2439 assistance for aerospace business development projects.
2440 Section 69. This act shall take effect upon becoming a
2441 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1583 CS Community Redevelopment
SPONSOR(S): Davis
TIED BILLS: **IDEN./SIM. BILLS:** SB 2364

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	7 Y, 0 N, w/CS	Camechis	Hamby
2) Growth Management Committee	9 Y, 0 N, w/CS	Grayson	Grayson
3) State Infrastructure Council		Grayson	Havlicak
4)			
5)			

SUMMARY ANALYSIS

The Community Redevelopment Act of 1969 (Act) was established with the intent to revitalize slum and blighted areas "which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state." Community redevelopment agency's (CRAs) are funded primarily through tax increment financing (TIF). As property tax values in the redevelopment area rise above property values in the base year the redevelopment area was created, increment revenues are generated by applying the current millage rate levied by each taxing authority in the area to the increase in value. Each non-exempt taxing authority that levies taxes on property within a community redevelopment area must annually appropriate the amount of increment revenues to a CRA trust fund. These revenues are used to service bonds issued to finance redevelopment project. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years. As of March 26, 2006, there were 171 CRAs in Florida.

This bill amends the Act to revise procedures for calculating tax increment revenues, adopting community redevelopment plans or modifications to plans that expand boundaries of a community redevelopment area, and revise procedures for delegating community redevelopment powers to cities by charter counties. Generally, the bill:

- Authorizes CRAs to contract with certain entities to develop and provide affordable housing and to use tax increment dollars to offer incentives for such development.
- Revises procedures regarding the adoption of community redevelopment plans by certain CRAs, and modifications of community redevelopment plans that expand the boundaries of a redevelopment area, to require a joint hearing between the county and municipality to discuss competing policies and uses for the public funds.
- Establishes limitations in certain circumstances on the amount of tax increment contributions that taxing authorities must contribute to CRAs fitting certain criteria. The bill also authorizes interlocal agreements to provide alternative methods of calculating increment revenues contributed by a taxing authority to a CRA.
- Requires a charter county to approve or deny a city's request for delegation of community redevelopment powers within 120 days or the request is deemed approved.
- Authorizes city and counties to create a slum or blight area study prior to adopting a resolution to create a CRA.

The bill does not appear to have a fiscal impact on the state.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Community Redevelopment Act Generally
The Community Redevelopment Act of 1969, Ch. 163, Part II, F.S. (Act), was enacted to provide a mechanism to revitalize slum and blighted areas "which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state." The Act authorizes each local government to establish one Community Redevelopment Agency (CRA) to revitalize designated slum and blighted areas upon a "finding of necessity" and a further finding of a "need for a CRA to carry out community redevelopment." During the last two decades, municipalities, and to a lesser extent counties, have increasingly relied upon CRAs as a mechanism for community redevelopment.

CRAs are funded primarily through tax increment financing (TIF). As property tax values in the redevelopment area rise above property values in the base year the redevelopment area was created, increment revenues are generated by applying the current millage rate levied by each taxing authority in the area to the increase in value. Each non-exempt taxing authority that levies taxes on property within a community redevelopment area must annually appropriate the amount of increment revenues to the CRA trust fund. These revenues are used primarily to service bonds issued to finance redevelopment projects. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years.

As of March 26, 2006, there were 171 CRAs in Florida.[1]

Creation of Community Redevelopment Agencies
A county or municipality may not exercise redevelopment powers conferred by the Act until after the governing body has adopted a resolution finding that:

> (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and,
> (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.[2]

Further, "[c]ommunity redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment."[3]

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[1] Department of Community Affairs, Special District Detail Report, http://www.floridaspecialdistricts.org/OfficialList/report.asp, March 26, 2006
[2] s. 163.355, F.S.
[3] s. 163.360(1), F.S.

The Act[4] defines "slum area" and "blighted area" as follows:

> (7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:
>
> (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
> (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
> (c) The existence of conditions that endanger life or property by fire or other causes.
>
> (8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:
>
> (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
> (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
> (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
> (d) Unsanitary or unsafe conditions;
> (e) Deterioration of site or other improvements;
> (f) Inadequate and outdated building density patterns;
> (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
> (h) Tax or special assessment delinquency exceeding the fair value of the land;
> (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
> (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
> (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
> (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
> (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
> (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
>
> However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.

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[4] s. 163.340, F.S.

A "community redevelopment area" is defined as "a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment."

The division of authority between a county and municipality regarding the creation or expansion of a municipal CRA depends upon whether the county is a non-charter or charter county, or whether a CRA was created *prior* to adoption of a county charter. The division of authority may be summarized as follows:

	Authority over creation, expansion, or modification of a CRA
Charter County	Charter counties possess sole authority to create CRAs within the county, but may delegate authority to a municipality via interlocal agreement.
Non-Charter County	Non-charter counties do not have authority over the creation, expansion, or modification of municipal CRAs within the county. Therefore, a municipality may create a CRA and operate the CRA, requiring the long-term contribution of TIF payments from the county, even if the county objects or has other county funding issues to address.
A CRA created in a charter county *prior* to adoption of the county charter	The charter county does not have authority over the operations of the CRA, including modification of the redevelopment plan or expansion of CRA boundaries.

Governance of a Community Redevelopment Agency

The governing body of the local government creating a CRA may appoint a board of commissioners of between 5 and 7 members to govern the CRA, or the governing body may declare itself to be the CRA. A governing body that consists of five members may appoint two additional persons to act as members of the CRA board. In a home rule charter county, powers granted under the Act must be exercised exclusively by the governing body of the charter county unless the county adopts a resolution delegating such powers within the boundaries of a municipality to the governing body of the municipality.[5] This limitation does not apply, however, to a CRA created by a municipality prior to the adoption of a county home rule charter. In addition, a non-charter county cannot exercise powers conferred by the Act within the boundaries of a municipality unless the governing body of the municipality expresses its consent by resolution.[6]

Community Redevelopment Agency Plans

Each community redevelopment area must have an approved community redevelopment plan in conformance with the local government comprehensive plan.[7] The plan must be sufficiently complete to indicate any land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation to be carried out in the designated area.[8] The plan must also provide for the development of affordable housing in the area or state the reasons for not addressing the issue in the plan.[9] The local government may subsequently modify the community redevelopment plan upon the recommendation of the CRA.[10]

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[5] s. 163.410, F.S.
[6] s. 163.415, F.S.
[7] s. 163.358(2)(a), F.S.
[8] s. 163.358(2)(b), F.S.
[9] s. 163.358(2)(c), F.S.
[10] s. 163.361, F.S.

Section 163.361, F.S., governs the modification of community redevelopment plans, and authorizes CRAs -- those created by counties or cities -- to modify such plans after public notice and a public hearing. Section 163.361(1), F.S., allows amendments to the redevelopment plan to change the boundaries of a redevelopment area or the development and implementation of community policing innovations. The section places no restrictions on the magnitude of expansions or exclusions, nor does the section distinguish between modifications to plans in charter and non-charter counties.

Redevelopment Trust Funds and Tax Increment Financing

Section 163.387, F.S., provides for the creation of a redevelopment trust fund for each CRA. Funds allocated to and deposited into this fund are used by the CRA to finance any community redevelopment undertaken based on an approved community redevelopment plan. In tax increment financing, property values in a certain defined community redevelopment area are frozen by local ordinance at the assessed value for the base year, which is the year in which the community redevelopment area was established. As redevelopment proceeds within the redevelopment area, the actual assessed value of property within the redevelopment area should increase, generating tax increment revenues for the CRA.

Section 163.340(2), F.S., defines "taxing authority" to mean the state or any county, municipality, authority, special district as defined in s. 165.031(5), F.S., or other public body of the state, except a school district." Taxing authorities that levy ad valorem taxes on property located within a community redevelopment area are required to deposit the incremental revenue generated as a result of this increase in property value into a redevelopment trust fund for the CRA's use. Section 163.387, F.S., specifically provides that "the annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with undertaking and carrying out of community redevelopment under this part."

Exemptions from Tax Increment Financing

Section 163.387(2)(c), F.S., exempts the following public bodies or taxing authorities created prior to July 1, 1993, from the requirement to deposit an appropriation equaling incremental revenue into a CRA's redevelopment trust fund:

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district, the sole available source of revenue of which is ad valorem taxes at the time an ordinance is adopted under this section.
- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- A neighborhood improvement district created under the Safe Neighborhoods Act.
- A metropolitan transportation authority.
- A water management district created under s. 373.069, F.S.

In addition, a local governing body that creates a CRA may exempt a special district that levies ad valorem taxes within that community redevelopment area from the requirement to deposit incremental revenue into a CRA's redevelopment trust fund.[11] The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request for an exemption from contributing to the trust fund. In deciding whether to deny or grant a special district's request for exemption, the local governing body must consider certain specified factors.

The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or

[11] s. 163.387(2)(d), F.S.

municipality that created the community redevelopment area. The notice must describe the time, date, place and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and the impact of the plan on the special district that requested the exemption. If a local governing body grants an exemption to a special district, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including the period of time for which the exemption is granted. If a local governing body denies a request for exemption by a special district, the local governing body must provide the special district with a written analysis specifying the rationale for the denial.

The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to procedures established by the governing body.

Community Redevelopment Agency Powers
CRAs are granted those powers "necessary or convenient to carry out and effectuate the purposes of the act."[12] These powers include the power to issue bonds and acquire property by eminent domain, if approved by the governing body that established the CRA. CRAs are also granted the power to undertake and carry out community redevelopment and related activities within the community redevelopment area. Redevelopment may include such activities as the acquisition and disposition of real property located within the community redevelopment area and the repair or rehabilitation of structures within the community redevelopment area for dwelling uses.[13]

Charter counties and non-charter counties are treated differently under the Act. Section 163.410, F.S., grants charter counties exclusive authority to exercise the powers of the Act, but allows a charter county to delegate such powers to a municipality. In 1983, ch. 83-29, L.O.F., was enacted to provide that the section does not apply to any community redevelopment agency created by a municipality prior to adoption of a county home rule charter. Noncharter counties are not granted exclusive control over community redevelopment activities.

Legislative Committee on Intergovernmental Relations (LCIR) Study
During the 2003-2004 interim, the LCIR conducted a study of economic revitalization initiatives in distressed urban areas. During the study, local governments in Florida cited CRAs as the most commonly used economic development and revitalization program in Florida. The LCIR continued reviewing the issue of urban revitalization with an emphasis on CRAs. At the conclusion of the review, LCIR issued a comprehensive report in January 2005 entitled Local Government Concerns Regarding Community Redevelopment Agencies in Florida (Report). The Report included the following "Findings":

- County and municipal governments agree that CRAs are useful mechanisms for addressing slum and blight.
- Representatives from municipal government and CRA officials prefer no change to existing CRA statutes, stating that current law has resulted in improvements to areas previously designated as slum or blighted.
- Representatives from municipal government and CRA officials also submit that any problems can best be addressed locally through interlocal agreements rather than statutory changes.
- Representatives of county government advocate changes to existing CRA statutes, stating current law is responsible for creating an imbalance in power between municipal and county governments.
- Problems cited by county government representatives include, among others: county government has insufficient input into operations and expansion of existing CRA districts and creation of new districts; and non-charter counties have no voice whatsoever in CRA activities within their jurisdiction.

[12] s. 163.358, F.S.
[13] s. 163.370(1)(c), F.S.

- Current law does not require or provide for interlocal agreements between county and municipal governments.
- According to 2003 millage rates for county and municipal governments, 78 municipalities with CRAs have lower millage rates than their host county and 36 municipalities with CRAs have higher millage rates than their host county.
- LCIR staff estimates that, based on 2003 millage rates, county government contributes $81,674 to municipal CRAs per each $100,000 increase in the CRA district's taxable value (assumed increase), compared to municipal government contribution of $66,905 to municipal CRAs per each $100,000 increase in the CRA district's taxable value.
- A recent evaluation of three CRAs in Florida, sponsored by the Florida Redevelopment Association, found that TIF payments impose a greater financial burden on municipalities than on counties when measured as a percent of taxable property values and as a percent of overall operating revenues. In addition, some municipalities contribute larger TIF payments than do their host counties.

Effect of Proposed Changes

Section 1. Amending s. 163.340, F.S., relating to Definitions of "Public body," "Community redevelopment area," and "Taxing Authorities" This section amends. s. 163.340, F.S., remove a reference to "taxing authority" in the definition of "public body" and to create a definition of the term "taxing authorities." "Taxing authority" means any public body levying an ad valorem tax on real property located with a community redevelopment area. The definition excludes public bodies exempted from the obligation to appropriate increment revenues to a redevelopment trust fund pursuant to s. 163.387(2). Further, the bill provides that a CRA created after July 1, 2006, may not, without the county's approval, contain a community redevelopment area consisting of more than 80% of the municipality.

Section 2. Amending s. 163.346, F.S., relating to Notice to Taxing Authorities
Currently, s. 163.346, F.S., requires a city or county governing body to notify all taxing authorities prior to enacting any resolution or ordinance required to create a community redevelopment agency; prior to approving, adopting, or amending a community redevelopment plan; and prior to issuing redevelopment revenue bonds. The governing body must provide public notice of such proposed action and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

This bill amends s. 163.346, F.S., to also require notice to taxing authorities if the governing body of the city or county adopts a resolution establishing a slum and blight study area under s. 163.354, F.S., as created by this bill.

Section 3. Creates s. 163.354, F.S., relating to Development of Study Area
This new section authorizes the governing body of a city or county to adopt a resolution establishing a slum and blight study area before adopting a resolution making a finding of necessity to create a CRA as required by s. 163.355, F.S.

Section 4. Amends s. 163.360, F.S., relating to Community Redevelopment Plans
Under current s. 163.360, F.S., a county, municipality, or CRA may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. The CRA must submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body must conduct a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice must describe the time, date, place, and purpose of the hearing, identify generally the

community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration. Following the hearing, the governing body may approve the community redevelopment and the plan if it makes certain determinations required by law.

This bill amends that section to authorize a CRA to contract with qualified nonprofits, faith based organizations or other entities to develop and provide affordable and workforce housing in the area, as well as use tax increment dollars to offer incentives for such development. Examples of incentives are: low interest or no interest loans through qualified lenders or the CRA itself; revolving loans; façade improvement loans or grants; matching, seed or leverage dollars for loans or grants; and developer subsidies. Other incentives as determined needed by the CRA may be provided. For the purposes of this provision, "affordable housing" means housing that meets the definition of "affordable" under s. 420.0004(3), F.S., and "workforce housing" means housing for which the monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households whose income is 150% of the median income of the area.

The bill also creates additional procedures for approving plans recommended by CRAs that have not:

- Authorized a finding of necessity study by June 5, 2006;
- Created a CRA by December 31, 2006;
- Adopted a community redevelopment plan by March 7, 2007; and
- Been created by pursuant to a delegation of authority under s. 163.410, F.S., by a charter county.

The following additional procedures are required prior to adoption by the governing body of a community redevelopment plan:

1) Within 30 days after receipt of any community redevelopment plan recommended by a CRA sent by registered mail, the county may provide written notice to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed community redevelopment plan.
2) If the county provides notice within 30 days as required by 1), the board of county commissioners and the governing body of the municipality that created the community redevelopment agency must schedule and hold a joint hearing co-chaired by the chair of the board of county commissioners and the municipal mayor at which the competing policy goals for the public funds must be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan to address the conditions identified in the resolution making a finding of necessity required by s. 163.355, F.S. If the county proposes an alternative redevelopment plan, the alternative plan must be delivered to the governing body of the municipality that created the CRA at least 30 days prior to holding the joint meeting.
3) If the county provides notice within 30 days as required by 1), the municipality may not proceed with adoption of the plan until 30 days after the joint hearing unless the board of county commissioners failed to schedule and attend the joint hearing within the required 90-day period.

Notwithstanding the timeframes described above, the county and the municipality may at any time voluntarily use the dispute resolution process established in ch. 164, F.S., to attempt to resolve any competing policy goals between the county and municipality related to the CRA; however, a county or municipality may not require the other to participate in the voluntary dispute resolution process.

Section 5. Amends s. 163.361, F.S., relating to Modification of Redevelopment Plans
Currently, if at any time after the approval of a community redevelopment plan by the governing body of the city or county creating a CRA it becomes necessary or desirable to amend or modify the plan, the governing body may do so upon the recommendation of the CRA. The CRA recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment

area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations. The governing body must hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the CRA.

Prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan, the CRA must report the proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding the proposed modification.

This bill amends s. 163.361, F.S., to create additional procedures applicable to municipal CRAs that were not created pursuant to a delegation of authority by October 1, 2006 under s. 163.410, F.S., by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area, the following additional procedures are required prior to the governing body's adopting a modified community redevelopment plan:

1) Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed modification to the community redevelopment plan.
2) If the county provides notice within 30 days as required in 1), the board of county commissioners and the governing body of the municipality that created the community redevelopment agency must schedule and hold a joint hearing co-chaired by the chair of the board of county commissioners and the municipal mayor at which the competing policy goals for the public funds must be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan to address the conditions identified in the resolution making a finding of necessity required under s. 163.355, F.S. If the county proposes an alternative redevelopment plan, the plan must be delivered to the governing body of the municipality that created the community redevelopment agency at least 30 days prior to the joint meeting.
3) If the county provides notice within 30 days as required in 1), the municipality may not proceed with the adoption of the proposed modification to the community redevelopment plan until 30 days after the joint hearing unless the board of county commissioners failed to schedule and attend the joint hearing within the required 90-day period.

Notwithstanding the timeframes established above, the county and the municipality may at any time voluntarily use the dispute resolution process established in ch.164, F.S., to attempt to resolve any competing policy goals between the county and municipality related to the expansion of the boundaries of the community redevelopment area; however, the county or the municipality may not require the other to participate in the voluntary dispute resolution process.

Section 6. Amends s. 163.370, F.S., relating to Powers of Counties and Municipalities
Section 163.370, F.S. is amended to provide clarifying language and to remove a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan. The bill also restricts tax increments funds from being used for payments or reimbursements for services provided to the agency by any public body. Further, the bill limits a CRA from utilizing eminent domain authority prior to the governing body's approval of a community redevelopment plan or plan modification.

Section 7. Amends s. 163.387, F.S., relating to the Redevelopment Trust Fund

Section 163.387, F.S., requires the establishment of a redevelopment trust fund into which all tax increment revenues are deposited. This section establishes the mechanism for calculating the tax increment revenues deposited into the trust fund for redevelopment purposes. The existing required calculation method provides that the increment is determined annually as the amount equal to 95% of the difference between the annual ad valorem taxes on real property within the CRA and the ad valorem taxes on those properties prior to the creation of the CRA. Additionally, existing law provides that the ordinance created after July 1, 1994 providing for funding of the redevelopment trust fund may provide for an increment less than 95% but no loess than 50% of the difference in ad valorem taxes described above.

The bill provides an alternative method for calculating the required tax increment revenues from a taxing authority for CRAs that meet specific requirements. However, the bill provides that an interlocal agreement between the CRA and a taxing authority may establish a different methodology than the required or alternative methodologies.

Alternative methodology: The bill limits the taxing authority of certain CRAs that do not comply with the following requirements:

- Have authorized a finding of necessity study by June 5, 2006;
- Have created a CRA by December 31, 2006;
- Have adopted a community redevelopment plan by March 7, 2007; and
- Been created by pursuant to a delegation of authority under s. 163.410, F.S., by a charter county.

For those CRAs, the taxing authority is limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate is calculated using the millage rate imposed by the governing body that created the trust fund; however, a taxing authority may voluntarily contribute tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, the taxing authority, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail delivered to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, may limit the amount of increment contributed by the taxing authority to the trust fund to the average annual amount the taxing authority was obligated to contribute to the trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. The term "area reinvestment agreement" is defined as "an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in public infrastructure or services, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area." A reinvestment agreement must specify the estimated total amount of public investment necessary to provide the public infrastructure or services, or both, including any applicable debt service. The increase in the increment of any area that is subject to an area reinvestment agreement following the passage of the above-required resolution ceases when the amount specified in the area reinvestment agreement as necessary to provide the public infrastructure or services, or both, including any applicable debt service, have been invested.

Additionally, for any CRA that was not created pursuant to a delegation of authority under s. 163.410, F.S., by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area is limited as set forth in s. 163.387(1)(b)1.a. and b., F.S.

Interest waiver: The bill provides that a CRA may waive some or all of the penalty payments imposed upon any taxing authority that fails to timely pay the required increment revenues into the trust fund.

Section 8. Amends s. 163.410, F.S., relating to Charter Counties
Currently, s. 163.410, F.S., provides that in a charter county, the powers conferred by the Act must be exercised exclusively by the governing body of the county unless the county governing body delegates the power, by resolution, to the governing body of a municipality. A delegation to a municipality confers only those powers that are specifically enumerated in the delegating resolution. Any power not specifically delegated is reserved exclusively to the county governing body. This provision does not, however, affect any CRA created by a municipality prior to the adoption of a county home rule charter.

Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between a charter county and a municipality, the charter county governing body must "act on" any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request must be immediately sent to the county governing body for consideration.

This bill amends s. 163.410, F.S., to require the county to "approve or deny" a request for a delegation within 120 days after receipt of all required documentation. If the charter county does not approve or deny the request within that timeframe, the request is deemed granted. Any request by the county for additional documentation or other information must be made in writing by registered mail to the municipality. The bill provides a 30 day period within which the county must notify the municipality if additional documentation is needed to support the request. The bill specifies how the county must request additional documentation if needed, and provides another 30 day period for review of the additional documentation and completeness notification. The county must notify the municipality in writing by registered mail within 30 days after receiving all the required documentation and other requested information that such information is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request must be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request is deemed granted

C. SECTION DIRECTORY:

Section 1. Amending s. 163.340, F.S.; defining the term "taxing authority"; amending the definitions of "public body" and "community redevelopment area."

Section 2. Amending s. 163.346, F.S.; revising a requirement that a governing body notify taxing authorities before taking certain actions.

Section 3. Creating s. 163.354, F.S.; authorizing the adoption of a resolution establishing a slum and blight study area before making a finding of necessity.

Section 4. Amending s. 163.360, F.S.; specifying additional notice, hearing, and dispute resolution procedures for adoption of a community redevelopment plan for certain community redevelopment agencies.

Section 5. Amending s. 163.361, F.S.; specifying additional notice, hearing, and dispute resolution procedures for adoption of a modified community redevelopment plan expanding redevelopment area boundaries for certain community redevelopment agencies.

Section 6 Amending s. 163.370, F.S.; providing clarifying language and removing a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since

the removal of the project from the CRA capital improvement plan; restricting use of tax increment funds; prohibits the use of eminent domain prior to governing body approval of a community redevelopment plan or plan modification.

Section 7. Amending s. 163.387, F.S.; providing an alternative method of determining the increment required to be contributed by taxing authorities within a CRA; providing authority for an interlocal agreement to establish a different method; authorizing a partial or complete wavier of penalty for failure to timely contribute increment.

Section 8. Amending s. 163.410, F.S.; providing requirements for actions by certain counties delegating or changing a delegation of powers to a municipality for community redevelopment areas.

Section 9. Providing an effective date.

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: This bill provides limitations on the required contributions of a taxing authority in a CRA in certain circumstances. It also allows for an alternative method of calculating the amount, times of payment, and interest on increment revenues.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 29, 2006, the Local Government Council adopted a strike-all amendment to the bill for the purpose of clarifying provisions in the bill as filed. The strike-all amendment does the following:

- Amends s. 163.340(10), F.S., the definition of "community redevelopment area" (CRA) to provide that a CRA cannot consist of more than 80% of the municipality without the county's approval.
- Amends s. 163.340(24), F.S., the definition of "taxing authority" to provide that the definition applies to any public body excluding a public body exempted from the obligation to appropriate increment revenues to a redevelopment trust fund pursuant to s. 163.387(2), F.S.
- For CRA plan development, the amendment changes the criteria identifying those CRAs for which additional procedures are required. Additionally, the amendment allows, rather than requires, the county to provide written notice by registered mail if the county has competing policy goals and plans for the public funds it would be required to contribute to the tax increment under the CRA plan. When the county provides such notice, the amendment provides for a public hearing chaired by both the county chair and the municipal mayor. Further the amendment provides a process by which the county may propose and submit an alternative redevelopment plan.
- Establishes October 1, 2006, as the date after which certain CRAs may not expand their boundaries without following additional procedures.
- For CRA plan modification, the amendment provides for a joint public hearing chaired by both the county chair and municipal mayor. Further, the amendment provides a process by which the county may propose and submit an alternative redevelopment plan.
- Changes, the time period regulating when the municipality may proceed with the plan adoption to 30 days from 45 days.
- Amends s. 163.370, F.S., to accomplish clarifying edits and to remove a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.
- Provides that generally government operating expenses, including payments or reimbursements for services provided to the agency by any public body, unrelated to the planning and carrying out of a community redevelopment plan may not be paid for or financed by increment revenues.
- Allows, rather than requires, a CRA to establish a redevelopment trust fund and prohibits the collection or use of tax increment funds until such a trust fund is established; and authorizes an interlocal agreement that may establish a tax increment different than the one statutorily established.
- Provides that the community redevelopment plan must include a time certain that a CRA may receive or spend any increment revenues from the trust fund.
- Authorizes an interlocal agreement between the taxing authorities contributing that may determine the increment and percentage different than that provided in current law.
- Limits the taxing authority for any CRA that had not authorized a finding of necessity study by June 5, 2006, and that had not created the CRA by December 31, 2006, and that had not adopted a community redevelopment plan by March 7, 2007.
- Changes the time after which a resolution can be passed to limit the amount of increment contributed by the taxing authority to the trust fund in the fiscal year immediately preceding the adoption of such resolution.
- Provides that a CRA may waive the penalty, in whole or in part, for a taxing authority that fails to pay the increment revenues to the trust fund by January 1 of each year.
- Provides exemptions for certain entities from the requirements relating to taxing authorities found in s. 163.387 (2)(a), F.S.
- Provides that an interlocal agreement between any of the other taxing authorities and the governing body that created the Community Redevelopment Agency may supercede the requirement that the governing body fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, and interest thereon, of a Community Redevelopment Agency incurred as a result of redevelopment in a CRA have been paid.
- Provides that moneys in the redevelopment trust fund may be expended pursuant to the community redevelopment plan.
- Provides that expenses that can be paid from tax increment within the redevelopment trust fund include services provided by another public body.
- Provides that the CRA can spend moneys from the redevelopment trust fund to relocate residents either within or outside the CRA.

- Provides that moneys appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan must be expended within 3 years from the date of the appropriation. Existing law requires the project to be completed within 3 years.
- Provides that rather than be sent immediately to the governing body for consideration, any request from a municipality to a governing body of the county that has adopted a home rule charter for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request shall be deemed granted if not granted in whole or in part or denied. The amendment further provides the following requirements for handling such a request:
    - Within 30 days of receipt of the request, the county shall notify by registered mail whether the request is complete or if additional documentation is required.
    - The county shall notify the municipality by registered mail within 30 days whether such additional documentation is complete.
    - Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any.
    - The county shall notify the municipality by registered mail within 30 days after receiving the additional documentation whether such information is complete.
    - If the meeting of the county commission at which the request for a delegation of powers or a change in existing delegation of powers I unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation.
    - Should the county not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

On April 4, 2006, the Growth Management Committee adopted a strike all amendment to HB 1583 w/CS. The amendment accomplished the following:

- Amends s. 163.340, F.S., to revise the definition of "community redevelopment area" and create a definition of "taxing authority."
- Amends s. 163.360(6)(b), F.S., to provide that additional procedures apply to CRAs creating a community redevelopment plan unless the CRA meets certain criteria.
- Amends s. 163.361(3)(b), F.S., to provide that additional procedures apply to CRAs extending its boundaries unless the CRA meets certain criteria.
- Amends s. 163.370, F.S., to conform cross-references and to provide technical and clarifying language.
- Amends s. 163.387(1)(a), F.S., to provide that the contribution to the trust fund can be as specified in an interlocal agreement.
- Amends s. 163.387(1)(b)1., F.S., to revise the cap that counties can place on the growth in increment from the 20th year to 25th year.
- Amends s. 163.387(2)(b), F.S., to authorize a CRA to fully or partially waive penalty payments for failure to timely submit contributions.
- Amends s. 163.387(3)(b), F.S., to revise language allowing for interlocal agreements to provide for alternative financing arrangements and to provide that interlocal agreements could supercede statute.
- Amends s. 163.387(6), F.S., to clarify that funds can be spent according to the redevelopment plan
- Amends s. 163.387(6)(a), F.S., clarifying that the expenses that can be paid from tax increment include services provided by another body.
- Amends s. 163.387(6)(d), F.S., to clarify that a CRA can spend funds to relocate resident either within or outside the CRA.
- Amends s. 163.410, F.S., to revise the manner in which the exchange of information occurs when a municipality requests delegation authority from a charter county.

CHAMBER ACTION

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1 The Growth Management 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 community redevelopment; amending s.
7 163.340, F.S.; revising certain definitions; defining the
8 term "taxing authority"; amending s. 163.346, F.S.;
9 revising criteria for a notice to taxing authorities;
10 creating s. 163.354, F.S.; authorizing a local governing
11 body to adopt a resolution establishing a slum and blight
12 study area under certain circumstances; amending s.
13 163.360, F.S.; specifying additional procedures required
14 for adoption of community redevelopment plans by the
15 governing body of certain counties for certain community
16 redevelopment agencies; amending s. 163.361, F.S.;
17 specifying additional procedures required for adoption of
18 a modified community redevelopment plan by a governing
19 body of certain counties for certain community
20 redevelopment agencies; amending s. 163.370, F.S.;
21 revising provisions relating to powers of counties,
22 municipalities, and community redevelopment agencies;
23 revising provisions relating to projects ineligible for

24 increment revenues; amending s. 163.387, F.S.; revising
25 provisions relating to redevelopment trust funds;
26 providing limitations on the amount of tax increment
27 contributions by a taxing authority for certain community
28 redevelopment agencies; authorizing a community
29 redevelopment agency to waive certain increment payment
30 penalties; authorizing alternate provisions in certain
31 interlocal agreements to supersede certain provisions of
32 law; amending s. 163.410, F.S.; providing additional
33 requirements for requests for information relating to
34 requests for delegation of certain powers; providing an
35 effective date.
36
37 Be It Enacted by the Legislature of the State of Florida:
38
39 Section 1. Subsections (2) and (10) of section 163.340,
40 Florida Statutes, are amended, and subsection (24) is added to
41 that section, to read:
42 163.340 Definitions.--The following terms, wherever used
43 or referred to in this part, have the following meanings:
44 (2) "Public body" ~~or "taxing authority"~~ means the state or
45 any county, municipality, authority, special district as defined
46 in s. 165.031(5), or other public body of the state, except a
47 school district.
48 (10) "Community redevelopment area" means a slum area, a
49 blighted area, or an area in which there is a shortage of
50 housing that is affordable to residents of low or moderate
51 income, including the elderly, or a coastal and tourist area

52 that is deteriorating and economically distressed due to
53 outdated building density patterns, inadequate transportation
54 and parking facilities, faulty lot layout or inadequate street
55 layout, or a combination thereof which the governing body
56 designates as appropriate for community redevelopment. For
57 community redevelopment agencies created after July 1, 2006, a
58 community redevelopment area may not consist of more than 80
59 percent of the municipality without approval by the county.
60 (24) "Taxing authority" means a public body that levies an
61 ad valorem tax on real property located in a community
62 redevelopment area. The term excludes a public body exempted
63 pursuant to s. 163.387(2) from the obligation to appropriate
64 increment revenues to a redevelopment trust fund.
65 Section 2. Section 163.346, Florida Statutes, is amended
66 to read:
67 163.346 Notice to taxing authorities.--Before the
68 governing body adopts any resolution or enacts any ordinance
69 required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,
70 or s. 163.387; establishes a study area; creates a community
71 redevelopment agency; approves, adopts, or amends a community
72 redevelopment plan; or issues redevelopment revenue bonds under
73 s. 163.385, the governing body must provide public notice of
74 such proposed action pursuant to s. 125.66(2) or s.
75 166.041(3)(a) and, at least 15 days before such proposed action,
76 mail by registered mail a notice to each taxing authority which
77 levies ad valorem taxes on taxable real property contained
78 within the geographic boundaries of the redevelopment area.

79 Section 3. Section 163.354, Florida Statutes, is created
80 to read:
81 163.354 Development of study area.--Prior to adopting a
82 resolution making a finding of necessity required by s. 163.355,
83 the governing body may adopt a resolution establishing a slum
84 and blight study area.
85 Section 4. Paragraph (d) is added to subsection (2) of
86 section 163.360, Florida Statutes, and subsection (6) of that
87 section is amended, to read:
88 163.360 Community redevelopment plans.--
89 (2) The community redevelopment plan shall:
90 (d) The agency may contract with qualified nonprofit
91 organizations, faith-based organizations, or other entities to
92 develop and provide affordable and workforce housing in the
93 redevelopment area and use tax increment dollars to offer
94 incentives for such development, including, but not limited to,
95 low interest or no interest loans through qualified lenders or
96 the agency itself; revolving loans; façade improvement loans or
97 grants; matching, seed, or leverage dollars for loans or grants;
98 developer subsidies; and any other incentives determined to be
99 needed by the agency. For purposes of this paragraph, the term
100 "affordable housing" means housing that meets the definition of
101 affordable under s. 420.0004(3) and the term "workforce housing"
102 means housing for which the monthly rents or monthly mortgage
103 payments, including taxes, insurance, and utilities, do not
104 exceed 30 percent of that amount which represents the percentage
105 of the median adjusted gross annual income for the households
106 whose income is 150 percent of the median income of the area.

107 (6)(a) The governing body shall hold a public hearing on a
108 community redevelopment plan after public notice thereof by
109 publication in a newspaper having a general circulation in the
110 area of operation of the county or municipality. The notice
111 shall describe the time, date, place, and purpose of the
112 hearing, identify generally the community redevelopment area
113 covered by the plan, and outline the general scope of the
114 community redevelopment plan under consideration.
115 (b) For any community redevelopment agency that had not
116 authorized a finding of necessity study by June 5, 2006, had not
117 created a community redevelopment agency by December 31, 2006,
118 had not adopted a community redevelopment plan by March 7, 2007,
119 and was not created pursuant to a delegation of authority under
120 s. 163.410 by a county that has adopted a home rule charter, the
121 following additional procedures are required prior to adoption
122 by the governing body of a community redevelopment plan under
123 subsection (7):
124 1. Within 30 days after receipt of any community
125 redevelopment plan recommended by a community redevelopment
126 agency under subsection (5), the county may provide written
127 notice by registered mail to the governing body of the
128 municipality that the county has competing policy goals and
129 plans for the public funds the county would be required to
130 contribute to the tax increment under the proposed community
131 redevelopment plan.
132 2. If the notice required in subparagraph 1. is timely
133 provided, the board of county commissioners and the governing
134 body of the municipality that created the community

135 redevelopment agency shall schedule and hold a joint hearing co-
136 chaired by the county commission chair and the mayor of the
137 municipality, with the agenda to be set by the county commission
138 chair, at which the competing policy goals for the public funds
139 shall be discussed. Any such hearing must be held within 90 days
140 after receipt by the county of the recommended community
141 redevelopment plan. Prior to the joint public hearing, the
142 county may propose an alternative redevelopment plan to address
143 the conditions identified in the resolution making a finding of
144 necessity required by s. 163.355. If such an alternative
145 modified redevelopment plan is proposed by the county, such plan
146 shall be delivered to the governing body of the municipality
147 that created the community redevelopment agency at least 30 days
148 prior to holding the joint meeting.
149 3. If the notice required in subparagraph 1. is timely
150 provided, the municipality may not proceed with the adoption of
151 the plan under subsection (7) until 30 days after the joint
152 hearing unless the board of county commissioners has failed to
153 schedule and attend the joint hearing within the required 90-day
154 period.
155 4. Notwithstanding the time requirements established in
156 subparagraphs 2. and 3., the county and the municipality may at
157 any time voluntarily use the dispute resolution process
158 established in chapter 164 to attempt to resolve any competing
159 policy goals between the county and municipality related to the
160 community redevelopment agency. Nothing in this subparagraph
161 grants the county or the municipality the authority to require

162 the other local government to participate in the dispute
163 resolution process.
164 Section 5. Subsection (3) of section 163.361, Florida
165 Statutes, is amended to read:
166 163.361 Modification of community redevelopment plans.--
167 (3)(a) In addition to the requirements of s. 163.346, and
168 prior to the adoption of any modification to a community
169 redevelopment plan that expands the boundaries of the community
170 redevelopment area or extends the time certain set forth in the
171 redevelopment plan as required by s. 163.362(10), the agency
172 shall report such proposed modification to each taxing authority
173 in writing or by an oral presentation, or both, regarding such
174 proposed modification.
175 (b) For any community redevelopment agency that was not
176 created pursuant to a delegation of authority under s. 163.410
177 by a county that has adopted a home rule charter and that
178 modifies its adopted community redevelopment plan in a manner
179 that expands the boundaries of the redevelopment area after
180 October 1, 2006, the following additional procedures are
181 required prior to adoption by the governing body of a modified
182 community redevelopment plan:
183 1. Within 30 days after receipt of any report of a
184 proposed modification that expands the boundaries of the
185 redevelopment area, the county may provide notice by registered
186 mail to the governing body of the municipality that the county
187 has competing policy goals and plans for the public funds the
188 county would be required to contribute to the tax increment

189 under the proposed modification to the community redevelopment
190 plan.
191 2. If the notice required in subparagraph 1. is timely
192 provided, the board of county commissioners and the governing
193 body of the municipality that created the community
194 redevelopment agency shall schedule and hold a joint hearing co-
195 chaired by the county commission chair and the mayor of the
196 municipality, with the agenda to be set by the county commission
197 chair, at which the competing policy goals for the public funds
198 shall be discussed. Any such hearing shall be held within 90
199 days after receipt by the county of the recommended modification
200 of the adopted community redevelopment plan. Prior to the joint
201 public hearing, the county may propose an alternative modified
202 community redevelopment plan to address the conditions
203 identified in the resolution making a finding of necessity
204 required under s. 163.355. If such an alternative modified
205 redevelopment plan is proposed by the county, such plan shall be
206 delivered to the governing body of the municipality that created
207 the community redevelopment agency at least 30 days prior to
208 holding the joint meeting.
209 3. If the notice required in subparagraph 1. is timely
210 provided, the municipality may not proceed with the adoption of
211 the plan under s. 163.360(7) until 30 days after the joint
212 hearing unless the board of county commissioners has failed to
213 schedule and attend the joint hearing within the required 90-day
214 period.
215 4. Notwithstanding the time requirements established in
216 subparagraphs 2. and 3., the county and the municipality may at

217 any time voluntarily use the dispute resolution process
218 established in chapter 164 to attempt to resolve any competing
219 policy goals between the county and municipality related to the
220 community redevelopment agency. Nothing in this subparagraph
221 grants the county or the municipality the authority to require
222 the other local government to participate in the dispute
223 resolution process.
224 Section 6. Paragraphs (c), (e), (h), and (n) of subsection
225 (1), paragraphs (b) and (c) of subsection (2), and paragraph (a)
226 of subsection (3) of section 163.370, Florida Statutes, are
227 amended to read:
228 163.370 Powers; counties and municipalities; community
229 redevelopment agencies.--
230 (1) Every county and municipality shall have all the
231 powers necessary or convenient to carry out and effectuate the
232 purposes and provisions of this part, including the following
233 powers in addition to others herein granted:
234 (c) To undertake and carry out community redevelopment and
235 related activities within the community redevelopment area,
236 which ~~redevelopment~~ may include:
237 1. Acquisition of a slum area or a blighted area or
238 portion thereof.
239 2. Demolition and removal of buildings and improvements.
240 3. Installation, construction, or reconstruction of
241 streets, utilities, parks, playgrounds, public areas of major
242 hotels that are constructed in support of convention centers,
243 including meeting rooms, banquet facilities, parking garages,
244 lobbies, and passageways, and other improvements necessary for

245 carrying out in the community redevelopment area the community
246 redevelopment objectives of this part in accordance with the
247 community redevelopment plan.
248 4. Disposition of any property acquired in the community
249 redevelopment area at its fair value for uses in accordance with
250 the community redevelopment plan as provided in s. 163.380.
251 5. Carrying out plans for a program of voluntary or
252 compulsory repair and rehabilitation of buildings or other
253 improvements in accordance with the community redevelopment
254 plan.
255 6. Acquisition of real property in the community
256 redevelopment area which, under the community redevelopment
257 plan, is to be repaired or rehabilitated for dwelling use or
258 related facilities, repair or rehabilitation of the structures
259 for guidance purposes, and resale of the property.
260 7. Acquisition of any other real property in the community
261 redevelopment area when necessary to eliminate unhealthful,
262 unsanitary, or unsafe conditions; lessen density; eliminate
263 obsolete or other uses detrimental to the public welfare; or
264 otherwise to remove or prevent the spread of blight or
265 deterioration or to provide land for needed public facilities.
266 8. Acquisition, without regard to any requirement that the
267 area be a slum or blighted area, of air rights in an area
268 consisting principally of land in highways, railway or subway
269 tracks, bridge or tunnel entrances, or other similar facilities
270 which have a blighting influence on the surrounding area and
271 over which air rights sites are to be developed for the
272 elimination of such blighting influences and for the provision

273 of housing (and related facilities and uses) designed
274 specifically for, and limited to, families and individuals of
275 low or moderate income.
276 9. Construction of foundations and platforms necessary for
277 the provision of air rights sites of housing (and related
278 facilities and uses) designed specifically for, and limited to,
279 families and individuals of low or moderate income.
280 (e) Within the community redevelopment area:
281 1. To enter into any building or property in any community
282 redevelopment area in order to make inspections, surveys,
283 appraisals, soundings, or test borings and to obtain an order
284 for this purpose from a court of competent jurisdiction in the
285 event entry is denied or resisted.
286 2. To acquire by purchase, lease, option, gift, grant,
287 bequest, devise, eminent domain, or otherwise any personal or
288 real property ~~(or personal property for its administrative~~
289 ~~purposes)~~, together with any improvements thereon; except that a
290 community redevelopment agency may not exercise any power of
291 eminent domain unless the exercise has been specifically
292 approved by the governing body ~~of the county or municipality~~
293 ~~which established the agency~~.
294 3. To hold, improve, clear, or prepare for redevelopment
295 any such property.
296 4. To mortgage, pledge, hypothecate, or otherwise encumber
297 or dispose of any real property.
298 5. To insure or provide for the insurance of any real or
299 personal property or operations of the county or municipality

300 against any risks or hazards, including the power to pay
301 premiums on any such insurance.
302 6. To enter into any contracts necessary to effectuate the
303 purposes of this part.
304 7. To solicit requests for proposals for redevelopment of
305 parcels of real property contemplated by a community
306 redevelopment plan to be acquired for redevelopment purposes by
307 a community redevelopment agency and, as a result of such
308 requests for proposals, to advertise for the disposition of such
309 real property to private persons pursuant to s. 163.380 prior to
310 acquisition of such real property by the community redevelopment
311 agency.
312 (h) ~~Within its area of operation,~~ To make or have made all
313 surveys and plans necessary to the carrying out of the purposes
314 of this part; to contract with any person, public or private, in
315 making and carrying out such plans; and to adopt or approve,
316 modify, and amend such plans, which plans may include, but are
317 not limited to:
318 1. Plans for carrying out a program of voluntary or
319 compulsory repair and rehabilitation of buildings and
320 improvements.
321 2. Plans for the enforcement of state and local laws,
322 codes, and regulations relating to the use of land and the use
323 and occupancy of buildings and improvements and to the
324 compulsory repair, rehabilitation, demolition, or removal of
325 buildings and improvements.

326 3. Appraisals, title searches, surveys, studies, and other
327 plans and work necessary to prepare for the undertaking of
328 community redevelopment and related activities.
329 (n) ~~Within its area of operation,~~ To organize, coordinate,
330 and direct the administration of the provisions of this part, as
331 they may apply to such county or municipality, in order that the
332 objective of remedying slum and blighted areas and preventing
333 the causes thereof within such county or municipality may be
334 most effectively promoted and achieved and to establish such new
335 office or offices of the county or municipality or to reorganize
336 existing offices in order to carry out such purpose most
337 effectively.
338 (2) The following projects may not be paid for or financed
339 by increment revenues:
340 (b) Installation, construction, reconstruction, repair, or
341 alteration of any publicly owned capital improvements or
342 projects ~~which are not an integral part of or necessary for~~
343 ~~carrying out the community redevelopment plan if such projects~~
344 ~~or improvements are normally financed by the governing body with~~
345 ~~user fees or~~ if such projects or improvements <u>were scheduled to</u>
346 ~~would~~ be installed, constructed, reconstructed, repaired, or
347 altered within 3 years of the approval of the community
348 redevelopment plan by the governing body pursuant to a
349 previously approved public capital improvement or project
350 schedule or plan of the governing body which approved the
351 community redevelopment plan <u>unless and until such projects or</u>
352 <u>improvements have been removed from such schedule or plan of the</u>
353 <u>governing body and 3 years have elapsed since such removal</u>.

354 (c) General government operating expenses, including
355 payments or reimbursements for services provided to the agency
356 by any public body, unrelated to the planning and carrying out
357 of a community redevelopment plan.
358 (3) With the approval of the governing body, a community
359 redevelopment agency may:
360 (a) Prior to approval of a community redevelopment plan or
361 approval of any modifications of the plan, acquire real property
362 in a community redevelopment area, demolish and remove any
363 structures on the property, and pay all costs related to the
364 acquisition, demolition, or removal, including any
365 administrative or relocation expenses, provided such acquisition
366 is not pursuant to s. 163.375.
367 Section 7. Subsection (1), paragraphs (a), (b), and (c) of
368 subsection (2), and subsections (3) through (8) of section
369 163.387, Florida Statutes, are amended to read:
370 163.387 Redevelopment trust fund.--
371 (1)(a) After approval of a community redevelopment plan,
372 there may ~~shall~~ be established for each community redevelopment
373 agency created under s. 163.356 a redevelopment trust fund.
374 Funds allocated to and deposited into this fund shall be used by
375 the agency to finance or refinance any community redevelopment
376 it undertakes pursuant to the approved community redevelopment
377 plan. No community redevelopment agency may receive or spend any
378 increment revenues pursuant to this section unless and until the
379 governing body has, by ordinance, created the trust fund and
380 provided for the funding of the redevelopment trust fund until
381 the time certain set forth in the ~~for the duration of a~~

382 community redevelopment plan as required by s. 163.362(10). Such
383 ordinance may be adopted only after the governing body has
384 approved a community redevelopment plan. The annual funding of
385 the redevelopment trust fund shall be in an amount not less than
386 that increment in the income, proceeds, revenues, and funds of
387 each taxing authority derived from or held in connection with
388 the undertaking and carrying out of community redevelopment
389 under this part. Absent an interlocal agreement between the
390 taxing authorities contributing to the trust fund created
391 pursuant to this section, such increment shall be determined
392 annually and shall be that amount equal to 95 percent of the
393 difference between:
394 1.~~(a)~~ The amount of ad valorem taxes levied each year by
395 each taxing authority, exclusive of any amount from any debt
396 service millage, on taxable real property contained within the
397 geographic boundaries of a community redevelopment area; and
398 2.~~(b)~~ The amount of ad valorem taxes which would have been
399 produced by the rate upon which the tax is levied each year by
400 or for each taxing authority, exclusive of any debt service
401 millage, upon the total of the assessed value of the taxable
402 real property in the community redevelopment area as shown upon
403 the most recent assessment roll used in connection with the
404 taxation of such property by each taxing authority prior to the
405 effective date of the ordinance providing for the funding of the
406 trust fund.
407
408 However, the governing body of any county as defined in s.
409 125.011(1) may, in the ordinance providing for the funding of a

410 trust fund established with respect to any community
411 redevelopment area created on or after July 1, 1994, determine
412 that the amount to be funded by each taxing authority annually
413 shall be less than 95 percent of the difference between
414 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no event
415 shall such amount be less than 50 percent of such difference.
416 (b)1. For any community redevelopment agency that had not
417 authorized a finding of necessity study by June 5, 2006, had not
418 created a community redevelopment agency by December 31, 2006,
419 had not adopted a community redevelopment plan by March 7, 2007,
420 and was not created pursuant to a delegation of authority under
421 s. 163.410 by a county that has adopted a home rule charter, the
422 amount of tax increment to be contributed by any taxing
423 authority shall be limited as follows:
424 a. If a taxing authority imposes a millage rate that
425 exceeds the millage rate imposed by the governing body that
426 created the trust fund, the amount of tax increment to be
427 contributed by the taxing authority imposing the higher millage
428 rate shall be calculated using the millage rate imposed by the
429 governing body that created the trust fund. Nothing shall
430 prohibit any taxing authority from voluntarily contributing a
431 tax increment at a higher rate for a period of time as specified
432 by interlocal agreement between the taxing authority and the
433 community redevelopment agency.
434 b. At any time more than 24 years after the fiscal year in
435 which a taxing authority made its first contribution to a
436 redevelopment trust fund, by resolution effective no sooner than
437 the next fiscal year and adopted by majority vote of the taxing

438 authority's governing body at a public hearing held not less
439 than 30 or more than 45 days after written notice by registered
440 mail to the community redevelopment agency and published in a
441 newspaper of general circulation in the redevelopment area, the
442 taxing authority may limit the amount of increment contributed
443 by the taxing authority to the redevelopment trust fund to the
444 amount of increment the taxing authority was obligated to
445 contribute to the redevelopment trust fund in the fiscal year
446 immediately preceding the adoption of such resolution, plus any
447 increase in the increment after the adoption of the resolution
448 computed using the taxable values of any area which is subject
449 to an area reinvestment agreement. As used in this subparagraph,
450 the term "area reinvestment agreement" means an agreement
451 between the community redevelopment agency and a private party,
452 with or without additional parties, which provides that the
453 increment computed for a specific area shall be reinvested in
454 public infrastructure or services, or both, including debt
455 service, supporting one or more projects consistent with the
456 community redevelopment plan that is identified in the agreement
457 to be constructed within that area. Any such reinvestment
458 agreement must specify the estimated total amount of public
459 investment necessary to provide the public infrastructure or
460 services, or both, including any applicable debt service. The
461 increase in the increment of any area that is subject to an area
462 reinvestment agreement following the passage of a resolution as
463 provided in this sub-subparagraph is limited to the amount
464 specified in the area reinvestment agreement as necessary to
465 provide the public infrastructure or services, or both,

466 including any applicable debt service, that is the subject of
467 the agreement. The contribution to the redevelopment trust fund
468 of the increase in the increment of any area that is subject to
469 an area reinvestment agreement following the passage of a
470 resolution as provided in this sub-subparagraph shall cease when
471 the amount specified in the area reinvestment agreement as
472 necessary to provide the public infrastructure or services, or
473 both, including any applicable debt service, have been invested.
474 2. For any community redevelopment agency that was not
475 created pursuant to a delegation of authority under s. 163.410
476 by a county that has adopted a home rule charter and that
477 modifies its adopted community redevelopment plan after October
478 1, 2006, in a manner that expands the boundaries of the
479 redevelopment area, the amount of increment to be contributed by
480 any taxing authority with respect to the expanded area shall be
481 limited as set forth in sub-subparagraphs 1.a. and b.
482 (2)(a) Except for the purpose of funding the trust fund
483 pursuant to subsection (3), upon the adoption of an ordinance
484 providing for funding of the redevelopment trust fund as
485 provided in this section, each taxing authority shall, by
486 January 1 of each year, appropriate to the trust fund for so
487 long as any indebtedness pledging increment revenues to the
488 payment thereof is outstanding (but not to exceed 30 years) a
489 sum that is no less than the increment as defined and determined
490 in subsection (1) or paragraph (3)(b) accruing to such taxing
491 authority. If the community redevelopment plan is amended or
492 modified pursuant to s. 163.361(1), each such taxing authority
493 shall make the annual appropriation for a period not to exceed

494 30 years after the date the governing body amends the plan.
495 However, for any agency created on or after July 1, 2002, each
496 taxing authority shall make the annual appropriation for a
497 period not to exceed 40 years after the fiscal year in which the
498 initial community redevelopment plan is approved or adopted.
499 (b) Any taxing authority that does not pay the increment
500 revenues to the trust fund by January 1 shall pay to the trust
501 fund an amount equal to 5 percent of the amount of the increment
502 revenues and shall pay interest on the amount of the unpaid
503 increment revenues equal to 1 percent for each month the
504 increment is outstanding, provided the agency may waive such
505 penalty payments in whole or in part.
506 (c) The following public bodies ~~or taxing authorities~~ are
507 exempt from paragraph (a):
508 1. A special district that levies ad valorem taxes on
509 taxable real property in more than one county.
510 2. A special district for which the sole available source
511 of revenue the district has the authority to levy is ad valorem
512 taxes at the time an ordinance is adopted under this section.
513 However, revenues or aid that may be dispensed or appropriated
514 to a district as defined in s. 388.011 at the discretion of an
515 entity other than such district shall not be deemed available.
516 3. A library district, except a library district in a
517 jurisdiction where the community redevelopment agency had
518 validated bonds as of April 30, 1984.
519 4. A neighborhood improvement district created under the
520 Safe Neighborhoods Act.
521 5. A metropolitan transportation authority.

522 6. A water management district created under s. 373.069.
523 (3)(a) Notwithstanding the provisions of subsection (2),
524 the obligation of the governing body which established the
525 community redevelopment agency to fund the redevelopment trust
526 fund annually shall continue until all loans, advances, and
527 indebtedness, if any, and interest thereon, of a community
528 redevelopment agency incurred as a result of redevelopment in a
529 community redevelopment area have been paid.
530 (b) Alternate provisions contained in an interlocal
531 agreement between any of the other taxing authorities and the
532 governing body that created the community redevelopment agency
533 may supersede the provisions of this part. The community
534 redevelopment agency may be an additional party to any such
535 agreement.
536 (4) The revenue bonds and notes of every issue under this
537 part are payable solely out of revenues pledged to and received
538 by a community redevelopment agency and deposited to its
539 redevelopment trust fund. The lien created by such bonds or
540 notes shall not attach until the increment revenues referred to
541 herein are deposited in the redevelopment trust fund at the
542 times, and to the extent that, such increment revenues accrue.
543 The holders of such bonds or notes have no right to require the
544 imposition of any tax or the establishment of any rate of
545 taxation in order to obtain the amounts necessary to pay and
546 retire such bonds or notes.
547 (5) Revenue bonds issued under the provisions of this part
548 shall not be deemed to constitute a debt, liability, or
549 obligation of the ~~local~~ governing body or the state or any

550 political subdivision thereof, or a pledge of the faith and
551 credit of the ~~local~~ governing body or the state or any political
552 subdivision thereof, but shall be payable solely from the
553 revenues provided therefor. All such revenue bonds shall contain
554 on the face thereof a statement to the effect that the agency
555 shall not be obligated to pay the same or the interest thereon
556 except from the revenues of the community redevelopment agency
557 held for that purpose and that neither the faith and credit nor
558 the taxing power of the ~~local~~ governing body or of the state or
559 of any political subdivision thereof is pledged to the payment
560 of the principal of, or the interest on, such bonds.
561 (6) Moneys in the redevelopment trust fund may be expended
562 from time to time for undertakings of a community redevelopment
563 agency as described in the ~~which are directly related to~~
564 ~~financing or refinancing of redevelopment in a community~~
565 ~~redevelopment area pursuant to an approved~~ community
566 redevelopment plan for the following purposes, including, but
567 not limited to:
568 (a) Administrative and overhead expenses, including
569 services provided by another public body, necessary or
570 incidental to the implementation of a community redevelopment
571 plan adopted by the agency.
572 (b) Expenses of redevelopment planning, surveys, and
573 financial analysis, including the reimbursement of the governing
574 body or the community redevelopment agency for such expenses
575 incurred before the redevelopment plan was approved and adopted.
576 (c) The acquisition of real property in the redevelopment
577 area.

578 (d) The clearance and preparation of any redevelopment
579 area for redevelopment and relocation of site occupants within
580 or outside the community redevelopment area as provided in s.
581 163.370.
582 (e) The repayment of principal and interest or any
583 redemption premium for loans, advances, bonds, bond anticipation
584 notes, and any other form of indebtedness.
585 (f) All expenses incidental to or connected with the
586 issuance, sale, redemption, retirement, or purchase of ~~agency~~
587 bonds, bond anticipation notes, or other form of indebtedness,
588 including funding of any reserve, redemption, or other fund or
589 account provided for in the ordinance or resolution authorizing
590 such bonds, notes, or other form of indebtedness.
591 (g) The development of affordable housing within the
592 community redevelopment area.
593 (h) The development of community policing innovations.
594 (7) On the last day of the fiscal year of the community
595 redevelopment agency, any money which remains in the trust fund
596 after the payment of expenses pursuant to subsection (6) for
597 such year shall be:
598 (a) Returned to each taxing authority ~~which paid the~~
599 ~~increment~~ in the proportion that the amount of the payment of
600 such taxing authority bears to the total amount paid into the
601 trust fund by all taxing authorities ~~within the redevelopment~~
602 ~~area~~ for that year;
603 (b) Used to reduce the amount of any indebtedness to which
604 increment revenues are pledged;

605 (c) Deposited into an escrow account for the purpose of
606 later reducing any indebtedness to which increment revenues are
607 pledged; or
608 (d) Appropriated to a specific redevelopment project
609 pursuant to an approved community redevelopment plan which shall
610 be expended ~~project will be completed~~ within 3 years from the
611 date of such appropriation.
612 (8) Each community redevelopment agency shall provide for
613 an ~~independent financial~~ audit of the trust fund each fiscal
614 year and a report of such audit to be prepared by an independent
615 certified public accountant or firm. Such report shall describe
616 the amount and source of deposits into, and the amount and
617 purpose of withdrawals from, the trust fund during such fiscal
618 year and the amount of principal and interest paid during such
619 year on any indebtedness to which ~~is pledged~~ increment revenues
620 are pledged and the remaining amount of such indebtedness. The
621 agency shall provide by registered mail a copy of the report to
622 each taxing authority.
623 Section 8. Section 163.410, Florida Statutes, is amended
624 to read:
625 163.410 Exercise of powers in counties with home rule
626 charters.--In any county which has adopted a home rule charter,
627 the powers conferred by this part shall be exercised exclusively
628 by the governing body of such county. However, the governing
629 body of any such county which has adopted a home rule charter
630 may, in its discretion, by resolution delegate the exercise of
631 the powers conferred upon the county by this part within the
632 boundaries of a municipality to the governing body of such a

633 municipality. Such a delegation to a municipality shall confer
634 only such powers upon a municipality as shall be specifically
635 enumerated in the delegating resolution. Any power not
636 specifically delegated shall be reserved exclusively to the
637 governing body of the county. This section does not affect any
638 community redevelopment agency created by a municipality prior
639 to the adoption of a county home rule charter. Unless otherwise
640 provided by an existing ordinance, resolution, or interlocal
641 agreement between any such county and a municipality, the
642 governing body of the county that has adopted a home rule
643 charter shall grant in whole or in part ~~act on~~ any request from
644 a municipality for a delegation of powers or a change in an
645 existing delegation of powers within 120 days after the receipt
646 of all required documentation or such request shall be deemed
647 granted. Within 30 days after receipt of the request, the county
648 shall notify the municipality by registered mail whether the
649 request is complete or if additional information is required.
650 The county shall notify the municipality by registered mail
651 within 30 days after receiving the additional information
652 whether such additional documentation is complete. Any request
653 by the county for additional documentation shall specify the
654 deficiencies in the submitted documentation, if any. The county
655 shall notify the municipality by registered mail within 30 days
656 after receiving the additional documentation whether such
657 information is complete. If the meeting of the county commission
658 at which the request for a delegation of powers or a change in
659 an existing delegation of powers is unable to be held due to
660 events beyond the control of the county, the request shall be

661 acted upon at the next regularly scheduled meeting of the county
662 commission without regard to the 120-day limitation. If the
663 county does not act upon the request at the next regularly
664 scheduled meeting, the request shall be deemed granted
665 ~~immediately sent to the governing body for consideration~~.
666 Section 9. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1589 CS Specialty License Plates
SPONSOR(S): Smith
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 2238

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 1 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	14 Y, 2 N	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

HB 1589 w/CS creates the "Homeownership For All" specialty license plate, and establishes an annual use fee of $25 to be paid by purchasers in addition to license taxes and fees. The annual use fee will be distributed to Homeownership For All, Inc., to promote and market the license plate and to fund programs that provide, promote, or otherwise support affordable housing. Homeownership For All, Inc., the Florida non-profit corporation seeking authority for this plate, has submitted the information and application fee required by current law.

The bill also makes corrective and administrative changes to a number of existing specialty license plates:

- The bill changes the word "College" to "University" on the Florida Memorial College license plate;
- The bill provides for the allocation of 10 percent of the annual use fee from the Keep Kids Drug-Free license plates to be used for marketing and administrative costs directly related to the Keep Kids Drug-Free license plate; and
- The bill allows the Sportsmen's National Land Trust to retain 50 percent of the proceeds from the Florida Sportsmen's National Land Trust license plate until all of the startup costs for developing and establishing the plate have been recovered.

The fiscal impact of the bill of approximately $60,000 on the Department of Highway Safety and Motor Vehicles (DHSMV) for implementation of the new specialty license plate will be offset by the application fees paid to DHSMV by the sponsoring organization.

The bill will take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government - The bill appears to increase government because it requires DHSMV to develop and provide for the manufacture of a new license plate, and therefore requires county tax collectors offices to maintain an appropriate inventory and administer the new plate.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Background on Specialty License Plates
Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV):

- A request for the plate describing it in general terms;
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 30,000 vehicle owners intend to purchase the plate at the increased cost;
- An application fee of up to $60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.

If a proposed specialty plate fails to be enacted by the Legislature, DHSMV returns the application fee and other required documents to the organization. If it passes and becomes law, DHSMV notifies the organization, modifies its computer programming to accommodate the new plate, and requests the laminate manufacturer, 3M Company, to produce a prototype roll-coat. PRIDE, the contracted manufacturer of license plates, embosses and roll-coats sample plates that must be submitted to FHP, the Governor, and the Cabinet for approval. Once approval is given, PRIDE begins full production of the plates and distributes them to the Tax Collectors' Offices for sale to the public.

Discontinuance of an approved specialty license plate occurs only when the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is to be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. According to DHSMV there are currently twenty-two plates that are not meeting the minimum sales requirement and could be discontinued in 2006 if their sales do not increase. If none of these plates meet the minimum sales requirement by next summer, the number of plates offered for sale could be reduced to seventy-eight.

Funds derived from these annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in s. 320.08058, F.S. This section also provides for the uses of funds derived for each plate from its annual use fee. There is wide variation on the uses of these fees regarding administrative costs and marketing or promotion expenses. For example, the "Support Soccer" license plate allows 25 percent of funds to be used for promotion and marketing and 5 percent to be used for administrative costs; while the "United We Stand" license plate requires that 100 percent of funds be used for airport security grants.

The Legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Annual use fees for sales of specialty license plates for 2003-2004 totaled $26,168,581 and for fiscal year 2004-2005 the total was $29,049,472.90. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $280 million.

Florida Memorial College License Plate
The Florida Memorial College license plate was created by the legislature in 1999. The license plate ranks 74th in popularity among license plates currently issued. The Florida Memorial College specialty license plate raised $32,850 in calendar year 2004, with $148,000 raised from 1999 to 2004. Florida Memorial College is a four-year, private, coed, liberal arts college affiliated with the Baptist Church. The school became a four-year college and awarded its first bachelor's degree in 1949. In 1950, this college was renamed Florida Normal and Industrial Memorial College. The present name, Florida Memorial College, was acquired in 1963. In 2005, Florida Memorial College reached University status by offering graduate level courses.

Keep Kids Drug-Free License Plate
The Keep Kids Drug-Free license plate was created by the legislature in 1988. This license plate ranks 36th in popularity among license plates currently issued. The Keep Kids Drug-Free license plate raised $295,175 in calendar year 2004, with $1.4 million raised from 1999 to 2004. Currently, the Keep Kids Drug-Free license plate is not authorized to use any portion of the license plate proceeds for administrative, marketing or promotional costs.

Sportsmen's National Land Trust License Plate
The Sportsmen's National Land Trust license plate was created by the legislature in 2004. The license plate ranks 63rd in popularity among license plates currently issued. The Sportsmen's National Land Trust specialty license plate raised $62,800 in calendar year 2004. Currently the annual use fees for the Sportsmen's National Land Trust license plates are distributed to The Sportsmen's National Land Trust who retains 50 percent of the proceeds until 50 percent of all startup costs for developing and establishing the plate have been recovered.

Effect of Proposed Changes

HB 1589 w/CS creates the "Homeownership For All" specialty license plate, and establishes an annual use fee of $25 to be paid by purchasers in addition to license taxes and fees. The annual use fee will be distributed to Homeownership For All, Inc., to promote and market the plate and to fund programs that provide, promote, or otherwise support affordable housing. Homeownership For All, Inc., the Florida non-profit corporation seeking authority for this plate, has submitted the information and application fee required by current law.

The bill also makes corrective and administrative changes to a number of existing specialty license plates:

- The bill changes the word "College" to "University" on the Florida Memorial College license plate;
- The bill provides for the allocation of 10 percent of the annual use fee from the Keep Kids Drug-Free license plates to be used for marketing and administrative costs directly related to the Keep Kids Drug-Free license plate; and

- The bill allows the Sportsmen's National Land Trust to retain 50 percent of the proceeds from the Florida Sportsmen's National Land Trust license plate until all of the startup costs for developing and establishing the plate have been recovered.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08056, F.S., changing the word "College" to "University" on the Florida Memorial College license plate, and providing for a $25 annual use fee for the "Homeownership For All" license plate.

Section 2. Amends s. 320.08058, F.S., authorizing the use of 10 percent of the proceeds from the Keep Kids Drug-Free license plate annual use fee to be used for administrative and marketing costs of the plate; conforming provisions relating to the Florida Memorial University license plate; and revising the authorized uses of the Sportsmen's National Land Trust license plate proceeds; creating the "Homeownership For All" license plate; providing for plate design; and providing for distribution and uses of annual use fees;

Section 4. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS section below.

2. Expenditures:

   See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to purchase the "Homeownership For All" specialty license plates, will be required to pay an annual use fee of $25 in addition to applicable license taxes and administrative charges. The fee from the "Homeownership For All" license plate will be distributed to Homeownership For All, Inc., a Florida non-profit corporation. Up to 10 percent of the proceeds from the sale of this license plate will fund Homeownership For All, Inc. promotional and marketing costs of the plate and the remaining proceeds are to be used to fund programs that provide, promote, or otherwise support affordable housing in the state. Since it is impossible to determine how many persons will purchase the plates, it is impossible to determine the aggregate impact on the private sector.

The Keep Kids Drug-Free Foundation, Inc. will be allowed to use up to 10 percent of its specialty license plate's proceeds for marketing and administrative costs. Currently, all proceeds must be used to fund substance abuse prevention programs.

The Sportsmen's National Land Trust, Inc. will be authorized by the bill to recover all of its start-up costs for developing and establishing its plate. Current law allows the organization to recover 50 percent of its start-up costs.

D. FISCAL COMMENTS:

Implementation of HB 1589 w/CS will cost DHSMV approximately $60,000 in contract programming, development labor, and product purchasing costs for creation of the "Homeownership For All" license plate. This impact is offset by the statutory application fee of $60,000, which has been submitted to DHSMV by the organization seeking creation of the specialty license plate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 28, 2006** the Transportation Committee adopted a strike-all amendment to HB 1589. The bill as originally filed created the "Homeownership For All" specialty license plate, but did not address any other license plates. The amendment provided the following changes:

- Creates the "Homeownership for All" specialty license plate, establishes an annual use fee of $25 which will be distributed to Homeownership For All, Inc., to promote and market the plate and to fund programs that support affordable housing,
- Changes the word "College" to "University" on the Florida Memorial College license plate,
- Provides for the allocation of 10 percent of the annual use fee from the Keep Kids Drug-Free license plates, to be used for marketing and administrative costs directly related to the Keep Kids Drug-Free plate, and
- Authorizes the Sportsmen's National Land Trust to retain 50 percent of the proceeds from the Florida Sportsmen's National Land Trust license plate until all of the startup costs for developing and establishing the plate have been recovered.

The committee then voted 14-1 to report the bill favorably with committee substitute.

CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; revising specialty license plate use fee provisions to change a name; establishing an annual use fee for the Homeownership for All license plate; amending s. 320.08058, F.S.; revising authorized uses of the use fees received from sales of the Keep Kids Drug-Free license plate; changing the name of the Florida Memorial College license plate to the Florida Memorial University license plate; revising authorized uses of the use fees received from sales of the Sportsmen's National Land Trust license plate; creating the Homeownership for All license plate and providing for distribution of the fees received from sales of the plate; providing an effective date.

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

22 Section 1. Paragraph (z) of subsection (4) of section
23 320.08056, Florida Statutes, is amended, and paragraph (eee) is
24 added to that subsection, to read:
25 320.08056 Specialty license plates.--
26 (4) The following license plate annual use fees shall be
27 collected for the appropriate specialty license plates:
28 (z) Florida Memorial University ~~College~~ license plate,
29 $25.
30 (eee) Homeownership for All license plate, $25.
31 Section 2. Subsections (23), (26), and (48) of section
32 320.08058, Florida Statutes, are amended, and subsection (57) is
33 added to that section, to read:
34 320.08058 Specialty license plates.--
35 (23) KEEP KIDS DRUG-FREE LICENSE PLATES.--
36 (a) The department shall develop a Keep Kids Drug-Free
37 license plate as provided in this section. The word "Florida"
38 must appear at the top of the plate, and the words "Keep Kids
39 Drug-Free" must appear at the bottom of the plate.
40 (b) The annual use fees shall be distributed to the Keep
41 Kids Drug-Free Foundation, Inc., which shall use the fees to
42 fund activities to reduce substance abuse among residents of
43 this state. The foundation shall develop a plan to distribute
44 the funds for drug-abuse prevention programs.
45 (c) Notwithstanding s. 320.08062, up to 10 percent of the
46 proceeds from the annual use fee may be used for marketing the
47 Keep Kids Drug-Free license plate and for administrative costs
48 directly related to the management and distribution of the
49 proceeds.

50 (26) FLORIDA MEMORIAL UNIVERSITY ~~COLLEGE~~ LICENSE PLATES.--
51 (a) The department shall develop a Florida Memorial
52 University ~~College~~ license plate as provided in this section.
53 The word "Florida" must appear at the top of the plate, and the
54 words "Florida Memorial University ~~College~~" must appear at the
55 bottom of the plate.
56 (b) The annual use fees shall be distributed to Florida
57 Memorial University ~~College~~.
58 (48) SPORTSMEN'S NATIONAL LAND TRUST LICENSE PLATES.--
59 (a) The department shall develop a Sportsmen's National
60 Land Trust license plate as provided in this section. The word
61 "Florida" must appear at the top of the plate, and the words
62 "Sportsmen's National Land Trust" must appear at the bottom of
63 the plate.
64 (b) The annual revenues from the sales of the license
65 plate shall be distributed to the Sportsmen's National Land
66 Trust. Such annual revenues must be used by the trust in the
67 following manner:
68 1. Fifty percent may be retained until ~~fifty percent of~~
69 all startup costs for developing and establishing the plate have
70 been recovered.
71 2. Twenty-five percent must be used to fund programs and
72 projects within the state that preserve open space and wildlife
73 habitat, promote conservation, improve wildlife habitat, and
74 establish open space for the perpetual use of the public.
75 3. Twenty-five percent may be used for promotion,
76 marketing, and administrative costs directly associated with
77 operation of the trust.

78 (c) When the provisions of subparagraph (b)1. are met,
79 those annual revenues shall be used for the purposes of
80 subparagraph (b)2.
81 (57) HOMEOWNERSHIP FOR ALL LICENSE PLATES.--
82 (a) The department shall develop a Homeownership for All
83 license plate as provided in this section. The word "Florida"
84 must appear at the top of the plate, and the words
85 "Homeownership for All" must appear at the bottom of the plate.
86 (b) The annual use fees shall be distributed to
87 Homeownership for All, Inc., which may use a maximum of 10
88 percent of the proceeds to promote and market the plate. The
89 remainder of the proceeds shall be used by Homeownership for
90 All, Inc., to fund programs that provide, promote, or otherwise
91 support affordable housing in this state.
92 Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7031 CS PCB TURS 06-01 Department of State
SPONSOR(S): Tourism Committee and Rep. Detert
TIED BILLS: **IDEN./SIM. BILLS:** SB 2384

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Tourism Committee	7 Y, 0 N	McDonald	McDonald
1) Transportation & Economic Development Appropriations Committee	18 Y, 0 N, w/CS	McAuliffe	Gordon
2) State Infrastructure Council		McDonald	Havlicak
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill establishes January 1 as the date when the terms begin for persons appointed to the Florida Arts Council. This will ensure that council members who review the cultural facilities grants and other grants through the statutorily required review process are the ones who make final recommendations on those grants.

The bill transfers to the Legislature the responsibilities of the Florida Historic Capitol that are currently under the Department of State. The bill ensures that the Florida Historic Capitol is maintained in accordance with good historic preservation practices that are specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Department of Management Services will continue to be responsible for the preventive maintenance and the Florida Department of Law Enforcement, Capitol Police, will continue to be responsible for security of the Florida Historic Capitol. The bill also transfers the Florida Historic Capitol Curator responsibilities to the Legislature from the Department of State.

The bill amends provisions relating to cultural endowments to remove an audit requirement to conform to Single Audit Act requirements, to amend conditions for the return of the state portion of the endowment, and to use the returned funds to fund other cultural endowments in lieu of reverting to General Revenue.

Finally, the bill revises report and meeting dates for the Discovery of Florida Quincentennial Commemoration Commission.

The effective date of the bill is July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Arts Council

The Division of Cultural Affairs in the Department of State is responsible for managing Florida's cultural grant programs. The division is assisted in carrying out its duties by advisory groups. The Florida Arts Council, a 15-member advisory board appointed by the Governor, President of the Senate, and Speaker of the House of Representatives, advises the Secretary of State on the distribution of grant awards. Current law provides members appointed by the Governor serve four-year terms and members appointed by the Legislature serve two-year terms. However, current law does not specify the day or month of the year when appointed members are to begin their term.

Cultural Endowment Program

The cultural endowment grants are provided through the Cultural Endowment Program, under ss. 265.601-265.606, F.S., which provides a state match of $240,000 to a qualifying organization that provides a match of $360,000 for the establishment of an endowment, the interest from which is to be used for operation costs. Currently, 32 qualified organizations are on a waiting list for the Cultural Endowment Program.

The Cultural Endowment Program requires a qualifying organization to return the $240,000 state match for the endowment if the organization ceases to exist, files for protection under federal bankruptcy, or willfully expends any portion of the endowment principal. Funds that are returned are required to revert to the General Revenue Fund. The Department of State has expressed concern that the criteria should be broadened to encompass other conditions under which the organization is no longer able to manage the endowment.

Section 265.606(4), F.S., requires the sponsoring organization to submit an annual audit explaining how endowment program funds were used and requires that the organization submit an annual postaudit of its financial accounts by an independent certified public accountant. The Department of State has expressed concern that the second audit requirement is in violation of the Florida Single Audit Act, s. 215.97, F.S., which requires a coordination of auditing efforts when entities are receiving funding from various state agencies. The law also refers to determinations for the primary agency of responsibility for audits. Determinations are based upon thresholds of funding.

Discovery of Florida Quincentennial Commemoration Commission:

In the 2004 Legislative Session, the Department of State and the Division of Historical Resources were given additional responsibilities through the creation of the Discovery of Florida Quincentennial Commemoration Commission which was placed within the department.[1] The purpose of the Commission is to plan and lead the commemoration of Juan Ponce de Leon's discovery of Florida. This is to be done through the development and implementation of a statewide master plan. The law provides for appointment of a Commission and authorizes specific powers and duties relative to the

[1] See Chapter 2004-91, L.O.F.

development and implementation of the master plan. Special subcommittees are permitted and an advisory committee is required to assist the Commission in its responsibilities. The Commission must hold its initial meeting no later than January 2007 to organize and begin its work. By January 2008 an initial draft of the master plan must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives. The master plan must be completed by January 2009. Department and division responsibilities include, but are not limited to, establishment of a citizens support organization to assist in the development and implementation of the master plan and administrative support and consulting services. The responsibilities of the department were contingent upon appropriation. No funding was provided for responsibilities to organize the initial meeting of the Commission, to pay per diem and travel for members, nor to pay for any other administrative costs associated with the Commission.

Florida Historic Capitol and Curator

The Florida Historic Capitol has been at its present location since 1845 and was expanded several times. It retains the original floor plan in the center of the building. In 1978, the building was no longer used by state employees and it began its restoration to its 1902 appearance.

Chapter 81-332, Laws of Florida, provided that the President of the Senate and the Speaker of the House of Representatives have responsibility and authority for the allocation of all space in the restored capitol. The law also required that the rotunda, corridors, Senate chamber, House of Representative chamber, and Supreme Court chamber not be used as office space and that the Department of State be allocated space for program and administrative functions relating to the preservation, museum, and cultural programs of the department. The Department of State was required to restore all space in the Florida Historic Capitol in a manner consistent with the 1902 form and made available for allocation.

In 1982, the Florida Historic Capitol was restored and opened as a museum. The Florida Historic Capitol is on the National Registry of Historic Places and is an accredited museum. The accreditation as a museum is under the umbrella accreditation of the Museum of Florida History at the R.A. Gray Building. Artifacts and reproductions are displayed in the Governor's Suite and in the Senate, House, and Supreme Court chamber. Special exhibits interpret the state's political history, constitutions, and the history of the building.

The Capitol Curator, created within the Department of State, is responsible for the promotion and encouragement of knowledge and appreciation of the Florida Historic Capitol; the collection, research, exhibition, interpretation, preservation, and protection of the history, artifacts, objects, furnishings, and other materials related to the Florida Historic Capitol, and the development, direction, supervision, and maintenance of the interior design and furnishings of all spaces within the building consistent with the 1902 restoration.

Supplemental Corporate Filing Fees

In 2005, Chapter 620, relating to partnership laws, was amended by Chapter 2005-267, Laws of Florida. A section relating to reports required to be filed with the Department of State was changed to s. 620.1210, F.S., and the original section relating to such reports was repealed.

A cross reference in s. 607.193, F.S., relating to supplemental corporate fees, was not amended to cite the new section in Chapter 620, F.S. The language regarding existing late fees associated with a limited partnership or a foreign limited partnership filing is in need of clarification.

Effects of Proposed Changes:

Florida Arts Council

The bill establishes January 1 as the date when the terms begin for persons appointed to the Florida Arts Council. This will ensure that council members who review the cultural facilities grants and other grants through the statutorily required review process are the ones who make final recommendations on those grants.

Cultural Endowment Program

The bill removes the requirement for the submission to the Department of State of an annual postaudit by the local sponsoring organization. The deletion of this additional audit requirement removes potential costs that would be incurred by the department for the audit.

The bill broadens one of the criteria for reversion of the state funding portion of the endowment from ceasing operation to no longer being able to manage the endowment.

Additionally, the bill provides that if an organization receiving an endowment from the Cultural Endowment Program can no longer manage the endowment, the endowment funds would not revert to the General Revenue Fund, but to the Fine Arts Trust Fund. Those funds would then be used to fund the next organization on the Cultural Endowment Program priority list that has not previously received an endowment in the most current funding cycle.

Quincentennial Commemoration Commission

The bill changes the date for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission from January 31, 2007 to July 31, 2008; changes the date for completion and submission of the initial draft of the master plan from January 2008 to May 2009; and, changes the date for completion and submission of the master plan to the Legislature from January 2009 to May 2010.

Florida Historic Capitol and Curator

The bill transfers to the Legislature the responsibilities of the Florida Historic Capitol that are currently under the Department of State. The bill ensures that the Florida Historic Capitol is maintained in accordance with good historic preservation practices that are specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Department of Management Services will continue to be responsible for the preventive maintenance and the Florida Department of Law Enforcement, Capitol Police, will continue to be responsible for security of the Florida Historic Capitol. The bill also transfers the Florida Historic Capitol Curator responsibilities to the Legislature from the Department of State.

Supplemental Corporate Fee

The bill corrects a cross reference in section 607.193, F.S., related to supplemental corporate fees.

C. SECTION DIRECTORY:

Section 1. Amends s. 265.285, F.S., relating to the Florida Arts Council; providing a start date for appointments to the Florida Arts Council.

Section 2. Amends s. 265.606, F.S., relating to the Cultural Endowment Program; deleting a requirement for a postaudit; revising reversion requirements for state funding portion of endowment.

Section 3. Amends s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; revising dates.

Section 4. Amends s. 272.129, F.S., relating to the Florida Historic Capitol; transferring responsibilities; ensuring historic maintenance of the Florida Historic Capitol; correcting outdated language.

Section 5. Amends s. 272.135, F.S., relating to the Florida Historic Capitol Curator; transferring Curator to the Legislature.

Section 6. Amends s. 607.193, F.S., relating to supplemental corporate fees.

Section 7. Provides an effective date.

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:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None specified.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 7, 2006, the Tourism Committee unanimously passed PCB TURS 05-01 as amended. The two technical amendments to the proposed committee bill were as follows:

- On line 53, the name of the trust fund was corrected to reflect the appropriate trust fund into which money is to be deposited.
- The numbering of sections was corrected.

At the April 11, 2006 meeting, the Transportation & Economic Development Appropriations Committee approved HB 7031 with a strike-all amendment. The amendment:

- Establishes January 1 as the date when the terms begin for persons appointed to the Florida Arts Council. This will ensure that council members who review the cultural facilities grants and other grants through the statutorily required review process are the ones who make final recommendations on those grants.
- Transfers to the Legislature the responsibilities of the Florida Historic Capitol that are currently under the Department of State.
- Ensures that the Florida Historic Capitol is maintained in accordance with good historic preservation practices that are specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- Corrects language relating to responsibilities of the Department of Management Services.
- Transfers the Florida Historic Capitol Curator and responsibilities to the Legislature from the Department of State.
- Amends provisions relating to cultural endowments by removing an audit requirement to conform to Single Audit Act, by broadening one of the provisions for reversion of the state portion of the endowment, and by providing for the return of the state portion of the endowment to fund other cultural endowments in lieu of reverting to the General Revenue Fund.
- Revises the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the initial draft of the master plan, and the submission of the master plan to the Legislature.

CHAMBER ACTION

1 The Transportation & Economic Development Appropriations
2 Committee recommends the following:
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to the Department of State; amending s.
7 265.285, F.S.; clarifying terms of appointment to the
8 Florida Arts Council; removing obsolete language; amending
9 s. 265.606, F.S.; deleting a requirement for local
10 sponsoring organizations to submit an annual postaudit to
11 the Division of Cultural Affairs under certain
12 circumstances; providing for the reversion of the state's
13 matching share of cultural endowment to the Florida Fine
14 Arts Trust Fund rather than the General Revenue Fund under
15 certain circumstances; providing for distribution of
16 reverted funds; amending s. 267.174, F.S.; changing the
17 dates for the first meeting of the Discovery of Florida
18 Quincentennial Commemoration Commission, the completion of
19 the initial draft of a specified master plan, and the
20 submission of the completed master plan; amending s.
21 272.129, F.S.; transferring responsibility for the Florida
22 Historic Capitol from the Department of State to the
23 Legislature; providing for allocation of certain space for

24 preservation, museum, and cultural programs of the
25 Legislature; requiring the maintenance of the Florida
26 Historic Capitol pursuant to certain historic preservation
27 standards and guidelines; removing responsibility of the
28 Department of Management Services for security of the
29 Historic Capitol and adjacent grounds; amending s.
30 272.135, F.S.; requiring the Capitol Curator to be
31 appointed by the President of the Senate and the Speaker
32 of the House of Representatives; deleting rulemaking
33 authority of the Department of State to conform; amending
34 s. 607.193, F.S.; correcting references to repealed
35 sections of Florida Statutes within provisions relating to
36 the annual supplemental corporate fee imposed on each
37 business entity authorized to transact business in this
38 state; providing an effective date.
39
40 Be It Enacted by the Legislature of the State of Florida:
41
42 Section 1. Paragraph (a) of subsection (1) of section
43 265.285, Florida Statutes, is amended to read:
44 265.285 Florida Arts Council; membership, duties.--
45 (1)(a) The Florida Arts Council is created in the
46 department as an advisory body, as defined in s. 20.03(7), to
47 consist of 15 members. Seven members shall be appointed by the
48 Governor, four members shall be appointed by the President of
49 the Senate, and four members shall be appointed by the Speaker
50 of the House of Representatives. The appointments, to be made in
51 consultation with the Secretary of State, shall recognize the

52 need for geographical representation. Council members appointed
53 by the Governor shall be appointed for 4-year terms beginning on
54 January 1 of the year of appointment. Council members appointed
55 by the President of the Senate and the Speaker of the House of
56 Representatives shall be appointed for 2-year terms beginning on
57 January 1 of the year of appointment. ~~Council members serving on~~
58 ~~July 1, 2002, may serve the remainder of their respective terms.~~
59 ~~New appointments to the council shall not be made until the~~
60 ~~retirement, resignation, removal, or expiration of the terms of~~
61 ~~the initial members results in fewer than 15 members remaining.~~
62 ~~As vacancies occur, the first appointment to the council shall~~
63 ~~be made by the Governor. The President of the Senate, the~~
64 ~~Speaker of the House of Representatives, and the Governor,~~
65 ~~respectively, shall then alternate appointments until the~~
66 ~~council is composed as required herein.~~ A ~~No~~ member of the
67 council who serves two 4-year terms or two 2-year terms is not
68 ~~will be~~ eligible for reappointment for 1 year ~~during a 1-year~~
69 ~~period~~ following the expiration of the member's second term. A
70 member whose term has expired shall continue to serve on the
71 council until such time as a replacement is appointed. Any
72 vacancy on the council shall be filled for the remainder of the
73 unexpired term in the same manner as for the original
74 appointment. Members should have a substantial history of
75 community service in the performing or visual arts, which
76 includes, but is not limited to, theatre, dance, folk arts,
77 music, architecture, photography, and literature. In addition,
78 it is desirable that members have successfully served on boards

79 of cultural institutions such as museums and performing arts
80 centers or are recognized as patrons of the arts.
81 Section 2. Subsections (4) and (5) of section 265.606,
82 Florida Statutes, are amended to read:
83 265.606 Cultural Endowment Program; administration;
84 qualifying criteria; matching fund program levels;
85 distribution.--
86 (4) Once the secretary has determined that the sponsoring
87 organization has complied with the criteria imposed by this
88 section, he or she may authorize the transfer of the appropriate
89 state matching funds to the organization. However, the secretary
90 shall ensure that the local group has made prudent arrangements
91 for the trusteeship of the entire endowment, and such
92 trusteeship is hereby created. The sponsoring organization may
93 then expend moneys in the endowment program fund, subject to the
94 following requirements:
95 (a) The organization may expend funds only for operating
96 costs incurred while engaged in programs directly related to
97 cultural activities.
98 (b) The organization shall annually submit a report to the
99 division, in such form as the division specifies, explaining how
100 endowment program funds were utilized.
101 ~~(c) Any contract administered under this section shall~~
102 ~~require the local sponsoring organization to submit to the~~
103 ~~division an annual postaudit of its financial accounts conducted~~
104 ~~by an independent certified public accountant.~~
105 (5) The $240,000 state matching fund endowment for each
106 individual endowment shall revert to the Florida Fine Arts Trust

107 Fund and shall be awarded to the first organization on the
108 Cultural Endowment Program priority list pursuant to subsection
109 (7) that has not previously received a cultural endowment in the
110 most current fiscal year funding cycle ~~General Revenue Fund~~ if
111 any of the following events occurs:
112 (a) The recipient sponsoring organization is no longer
113 able to manage an endowment ~~ceases operations~~.
114 (b) The recipient sponsoring organization files for
115 protection under federal bankruptcy provisions.
116 (c) The recipient sponsoring organization willfully
117 expends a portion of the endowment principal of any individual
118 endowment.
119 Section 3. Paragraph (d) of subsection (5) and paragraph
120 (c) of subsection (7) of section 267.174, Florida Statutes, are
121 amended to read:
122 267.174 Discovery of Florida Quincentennial Commemoration
123 Commission.--
124 (5) OFFICERS; BYLAWS; MEETINGS.--
125 (d) The initial meeting of the commission shall be held no
126 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings
127 shall be held upon the call of the chair or vice chair acting in
128 the absence of the chair, and in accordance with the
129 commission's bylaws.
130 (7) DUTIES; MASTER PLAN.--
131 (c) The commission shall establish a timetable and budget
132 for completion for all parts of the master plan which shall be
133 made a part of the plan. An initial draft of the plan shall be
134 completed and submitted to the Governor, the President of the

135 Senate, the Speaker of the House of Representatives, and the
136 Secretary of State by May 2009 ~~January 2008~~ with the completed
137 master plan submitted to such officials by May 2010 ~~January~~
138 ~~2009~~.
139 Section 4. Section 272.129, Florida Statutes, is amended
140 to read:
141 272.129 Florida Historic Capitol; space allocation;
142 maintenance, repair, and security.--
143 (1) The Legislature ~~Department of State~~ shall ensure
144 ~~assure~~ that all space in the Florida Historic Capitol is
145 restored in a manner consistent with the 1902 form and made
146 available for allocation. Notwithstanding the provisions of ss.
147 255.249 and 272.04 that relate to space allocation in state-
148 owned buildings, the President of the Senate and the Speaker of
149 the House of Representatives shall have responsibility and
150 authority for the allocation of all space in the restored
151 Florida Historic Capitol, provided:
152 (a) The rotunda, corridors, Senate chamber, House of
153 Representatives chamber, and Supreme Court chamber shall not be
154 used as office space.
155 (b) The Legislature ~~Department of State~~ shall be allocated
156 sufficient space for program and administrative functions
157 relating to the preservation, museum, and cultural programs of
158 the Legislature ~~department~~.
159 (2) The Florida Historic Capitol shall be maintained in
160 accordance with good historic preservation practices as
161 specified in the National Park Service Preservation Briefs and

162 the Secretary of the Interior's Standards for Rehabilitation and
163 Guidelines for Rehabilitating Historic Buildings.
164 (3) ~~(2)~~ Custodial and preventive maintenance and~~,~~ repair~~,~~
165 ~~and security~~ of the entire Historic Capitol and the grounds
166 located adjacent thereto shall be the responsibility of the
167 Department of Management Services, subject to the special
168 requirements of the building as determined by the Capitol
169 Curator.
170 Section 5. Section 272.135, Florida Statutes, is amended
171 to read:
172 272.135 Florida Historic Capitol Curator.--
173 (1) The position of Capitol Curator is created within the
174 Legislature ~~Department of State~~, which shall establish the
175 qualifications for the position. The curator shall be appointed
176 by and serve at the pleasure of the President of the Senate and
177 the Speaker of the House of Representatives ~~Secretary of State~~.
178 (2) The Capitol Curator shall:
179 (a) Promote and encourage throughout the state knowledge
180 and appreciation of the Florida Historic Capitol.
181 (b) Collect, research, exhibit, interpret, preserve, and
182 protect the history, artifacts, objects, furnishings, and other
183 materials related to the Florida Historic Capitol, except for
184 archaeological research and resources.
185 (c) Develop, direct, supervise, and maintain the interior
186 design and furnishings of all space within the Florida Historic
187 Capitol in a manner consistent with the restoration of the
188 Florida Historic Capitol in its 1902 form.

189 ~~(3) The Department of State shall promulgate rules to~~
190 ~~implement this section.~~
191 Section 6. Subsections (1) and (2) of section 607.193,
192 Florida Statutes, are amended to read:
193 607.193 Supplemental corporate fee.--
194 (1) In addition to any other taxes imposed by law, an
195 annual supplemental corporate fee of $88.75 is imposed on each
196 business entity that is authorized to transact business in this
197 state and is required to file an annual report with the
198 Department of State under s. 607.1622, s. 608.452, or s.
199 620.1210 ~~620.177~~.
200 (2)(a) The business entity shall remit the supplemental
201 corporate fee to the Department of State at the time it files
202 the annual report required by s. 607.1622, s. 608.452, or s.
203 620.1210 ~~620.177~~.
204 (b) In addition to the fees levied under ss. 607.0122,
205 608.452, and 620.1109 ~~620.182~~ and the supplemental corporate
206 fee, a late charge of $400 shall be imposed if the supplemental
207 corporate fee is remitted after May 1 except in circumstances in
208 which a business entity did not receive the uniform business
209 report prescribed by the department.
210 Section 7. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7253 PCB GM 06-02 Growth Management
SPONSOR(S): Growth Management Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Growth Management Committee	8 Y, 1 N	Strickland	Grayson
1) Transportation & Economic Development Appropriations Committee	14 Y, 0 N	McAuliffe	Gordon
2) State Infrastructure Council		Strickland B.S.	Havlicak RH
3)			
4)			
5)			

SUMMARY ANALYSIS

House Bill 7253 revises current law related to growth management. The bill:

- Removes the requirement that the entire local comprehensive plan be financially feasible.
- Provides that a third party challenge, or the outcome of such challenge, to the 5-year schedule of capital improvements does not affect adoption of further plan amendments to the future land use map.
- Provides that challenge to the addition, elimination, deferral or delay of a facility to the 5-year schedule of capital improvements may only occur when the project is first proposed for such addition, elimination, deferral or delay.
- Provides for certain exemptions from transportation concurrency.
- Provides for a waiver of the transportation facilities concurrency requirements for certain urban infill, redevelopment, and downtown revitalization areas.
- Deletes record keeping and reporting requirements related to transportation de minimis impacts.
- Provides that a "not-in-compliance" determination for an amendment to a local government comprehensive plan by the Department of Community Affairs may not be based on school capacity under certain conditions.
- Removes the requirement to incorporate the school concurrency service areas and establishing criteria and standards into the comprehensive plan, when school concurrency is applied on a less than district-wide basis.
- Revises the organization reporting structure for the Century Commission for a Sustainable Florida and provides guidance for the development of its annual budget.
- Provides that federal urban attributable funds are eligible as a local match for transit projects under the Transportation Regional Incentive Program by removing the requirement that the match be a nonfederal share of the project cost for a public transportation facility project.
- Provides for a partial exemption from development of regional impact review for urban service boundaries, infill and redevelopment areas, and rural land stewardship areas if the required binding agreement for the full exemption is not attained.
- Provides for small scale amendments for certain built-out municipalities.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill may reduce government responsibility when development meets criteria for full or partial exemptions, waivers and small scale amendments.

Ensure lower taxes – The bill may reduce some fees related to development of regional impact or comprehensive plan amendment review when development meets criteria for full or partial exemptions, waivers and small scale amendments.

Safeguard individual liberty – The bill may increase the options of an individual or a private organization regarding the conduct of their own affairs when development meets criteria for full or partial exemptions, waivers and small scale amendments.

B. EFFECT OF PROPOSED CHANGES:

Background:

Ch. 2005-290, L.O.F.

The 2005 Legislature enacted ch. 2005-290, L.O.F. (the Act) relating to infrastructure planning and funding. The Act was the subject of a conference committee during the last two days of the 2005 Session. This bill addresses policy refinements related to the substance of the Act.

Comprehensive Plans & Adoption of Amendments

All of Florida's counties and municipalities are required to adopt local government comprehensive plans that guide future growth and development. Each comprehensive plan contains elements that address future land use, housing, transportation infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. Local governments may amend their comprehensive plans twice a year. Exemptions from the frequency of comprehensive plan amendments are provided for various circumstances. Citizens are afforded several opportunities to challenge decisions that may be inconsistent with the Local Government Comprehensive Planning and Land Development Regulation Act., ss. 163.3161-163.3246, F.S.

Concurrency

Concurrency is the concept that the infrastructure necessary to support new development or redevelopment be in place concurrent with that development. The Act established stricter concurrency related to transportation, schools, and water infrastructure. Specifically, the Act provided that:

- Transportation facilities must be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval.
- Adequate school facilities must be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval.
- Prior to the approval of a building permit or its functional equivalent, a local government is required to consult with the applicable water supplier to determine whether adequate water supplies will be available to serve the new development at the certificate of occupancy.

Century Commission for a Sustainable Florida

Formed by the Florida Legislature in 2005, the Century Commission for a Sustainable Florida (Commission) is comprised of 15 volunteer members, appointed by the Governor, President of the Senate, and the Speaker of the House of Representatives. The Commission is responsible for exploring the impact of estimated population increases and other emerging trends and issues, creating

a vision for the future, and developing a strategic action plan to achieve that vision using 15 and 50 year planning time horizons. Each year the Commission is to provide a written report containing specific recommendations for addressing growth management issues.

Transportation Regional Incentive Program (TRIP)

Formed by the Florida Legislature in 2005, TRIP was created to assist in the improvement of regionally significant transportation facilities. State funds are available throughout Florida to provide incentives for local governments and the private sector to help pay for projects that benefit regional travel and commerce. Under current law, the Department of Transportation will match 50 percent of project costs, or up to 50 percent of the nonfederal share of project costs for public transportation facility projects.

Developments of Regional Impact (DRI)

The DRI program is a vehicle that provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county. Under existing law, urban service boundaries, infill and redevelopment areas, and rural land stewardship areas are exempt from DRI review provided that a binding agreement is reached between the local government, adjacent jurisdictions, and the Department of Transportation.

Effect of Proposed Changes

Comprehensive Plan

The bill removes the requirement that the entire comprehensive plan adopted by a local government be financially feasible.

The bill provides that the challenge to the addition of a facility, or the elimination, deferral or delay of a project may only occur when the facility is first added to the 5-year schedule of capital improvements or when the project is proposed to be eliminated, deferred or delayed.

The bill provides that a third party challenge, or the outcome of such challenge, to the five-year schedule of capital improvements does not affect adoption of further plan amendments to the future land use map.

Concurrency

Transportation Concurrency

The bill provides that when a local government, in cooperation with the Department of Transportation (DOT), adopts a five-year or longer term transportation improvement plan and makes financial commitments to fund the plan, the local government is deemed to meet transportation concurrency even if in any particular year the improvements are not concurrent.

The bill provides for a exemption from the transportation concurrency requirements if a municipality has either an area-wide DRI or a downtown development authority, which DRI boundaries have not increased after July 1, 2005, and which has adopted a plan to address transportation mitigation, including identified funding to address transportation deficiencies if one has not been adopted as part of the creation of such an area-wide DRI.

The bill provides legislative findings that urban infill and redevelopment is a high state priority in Florida and should be promoted with incentives.

The bill provides for a waiver of transportation concurrency requirements for two types of development activities: 1) certain urban infill and redevelopment that are designated in the comprehensive plan, pursuant to s. 163.2517, F.S.; or 2) for areas designated in the comprehensive plan prior to January 1, 2006, as urban infill development, urban redevelopment, or downtown revitalization. To qualify, the local government must have created a long-term vision that includes adequate funding, services, and multimodal transportation options.

The bill provides for a waiver of transportation concurrency requirements for municipalities that are at least 90percent built–out. The bill defines "built–out" related to this exemption as "90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit and the municipality has an average density of five units per acre for residential developments." The bill further requires the following in order to receive the waiver from transportation concurrency:

- The local government and the DOT shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the DOT for Strategic Intermodal System facilities.
- The municipality must have adopted an ordinance that provides the methodology for determining its built-out percentage, declares that transportation concurrency requirements are waived within its municipal boundary or within a designated area of the municipality, and addresses multimodal options and strategies.
- Prior to the adoption of the ordinance, the DOT shall be consulted by the local government to assess the impact that the waiver of the transportation concurrency requirements is expected to have on the adopted level-of-service standards.
- If a municipality annexes any property, the municipality must recalculate its built-out percentage pursuant to the methodology set forth in its ordinance to verify whether the annexed property may be included within this exemption.
- If the municipality receives this exemption, the municipality must adopt a comprehensive plan amendment which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance to the Department of Community Affairs (DCA).

The bill removes record keeping and reporting requirements related to transportation de minimis impacts.

School concurrency

The bill provides that a "not-in-compliance" determination by DCA for an amendment to a local government comprehensive plan shall not be based upon school capacity until December 1, 2008, provided that data and analysis is submitted to DCA demonstrating coordination between the school board and the local government to plan to address capacity issues.

The bill removes the requirement that the school interlocal agreement establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local comprehensive plan.

Comprehensive Plan Amendments

Frequency of Amendments

The bill provides that municipalities that are 90% built-out, are exempt from the statutory limits on the frequency of consideration of amendments to the local comprehensive plan provided that the amendment involves a use of 100 acres or fewer and:

- The municipality has adopted a comprehensive plan amendment which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance to the DCA.
- The cumulative annual effect of the acreage for all amendments adopted does not exceed 500 acres.
- The proposed amendment does not involve the same property that has been granted a change within the prior 12 months.

- The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.
- The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.
- The property that is the subject of the proposed amendment is not located within an area of critical state concern.

Definition of "built-out"

- The bill defines the term "built-out" as "90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed or are the subject of an approved development order that has received a building permit and the municipality has an average density of five units per acre for residential development."

Notice Requirements

- The bill provides that a local government is not required to comply with notice requirements so long as they comply with the provisions of s. 166.041(3)(c), F.S. however, the bill expressly requires public notice of comprehensive plan amendments initiated by someone other than the local government.
- The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy, along with a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

Public Hearing

- The bill provides that amendments adopted pursuant to the provisions of this bill will require only one public hearing before the governing board, which shall be an adoption hearing, and are not subject to the requirements of s.163.3184 (3) – (6), F.S., unless the local government elects to have them subjected to those requirements.

Annexation

- The bill provides that a municipality may not have the benefit of this exemption if it annexes unincorporated property that decreases the percentage of build-out to an amount below 90%.

Notice of buildout

- The bill provides that the local government must notify DCA in writing of its built-out percentage prior to the submission of any local comprehensive plan amendments under this bill.

Century Commission for a Sustainable Florida

The bill provides that the Commission shall function independently of the control and direction of DCA, except for administrative and fiscal assistance. Further, the bill provides that the Commission shall develop and submit a budget, that is not subject to change by DCA, to the Governor along with DCA's budget.

Transportation Regional Incentive Program

The bill provides that federal urban attributable funds are eligible as a local match for transit projects under the TRIP by removing the requirement that the local match be nonfederal share of the project cost for a public transportation facility project.

Developments of Regional Impact

The bill provides that the transportation agreement required by the current law for an exemption from DRI review for urban service boundaries, infill and redevelopment areas, and rural land stewardship

areas will be limited to transportation absent such an agreement. Further, the local government must notify DCA if they do not reach such an agreement.

C. SECTION DIRECTORY:

Section 1: Amends s. 163.3177, F.S., relating to required and optional elements of comprehensive plan.

Section 2: Amends s. 163.3180, F.S., relating to concurrency.

Section 3: Amends s. 163.3187, F.S., relating to amendments of adopted comprehensive plans.

Section 4: Amends s. 163.3247, F.S., relating to powers and duties of the Century Commission for a Sustainable Florida.

Section 5: Amends s. 339.2819, F.S., relating to the Transportation Regional Incentive Program.

Section 6: Amends s. 380.06, F.S., relating to Developments of Regional Impact.

Section 7: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill may result in increased state expenditures when development meets criteria for full or partial exemptions, waivers and small scale amendments by virtue of infrastructure facility needs that result from the development but are not addressed concurrent with that development.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   The bill may result in increased local government expenditures when development meets criteria for full or partial exemptions, waivers and small scale amendments by virtue of infrastructure facility needs that result from the development but are not addressed concurrent with that development.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may result in decreased costs associated with some development when that development meets criteria for full or partial exemptions, waivers and small scale amendments.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Growth Management Committee adopted amendments to the PCB on March 28, 2006. The amendments made the following changes:

- Provides that a third party challenge, or the outcome of such challenge, to the 5-year schedule of capital improvements does not affect adoption of further plan amendments to the future land use map.
- Provides that challenge to the addition, elimination, deferral or delay of a facility to the 5-year schedule of capital improvements may only occur when the project is first proposed for such addition, elimination, deferral or delay.
- Provides that when a local government, in cooperation with the DOT adopts a 5-year or longer term transportation improvement plan and makes financial commitments to fund the plan, is deemed to meet transportation concurrency even if in any particular year the improvements are not concurrent.
- Provides an exemption from transportation concurrency for municipalities that have an area-wide development of regional impact or downtown development authority, which boundaries has not changed since 2005, and which has adopted a plan to address transportation deficiencies.
- Provides for a transportation concurrency exemption for municipalities 90% built-out and provides criteria to be eligible for such an exemption.
- Prevents a "not – in – compliance" determination based upon school capacity until December 1, 2008, provided that data and analysis is submitted to DCA demonstrating coordination between the school board and the local government to plan to address capacity issues.
- Removes the requirement to incorporate the school concurrency service areas and establish criteria and standards into the comprehensive plan, when school concurrency is applied on a less than district-wide basis.
- Clarifies the organization reporting structure for the Century Commission for a Sustainable Florida and provides guidance for the development of its annual budget.
- Provides that federal urban attributable funds are eligible as a local match for transit projects under TRIP by removing the provision that the matching funds may be up to 50 percent of the nonfederal share of the eligible project cost for a public transportation facility project.
- Creates a partial development of regional impact exemption for urban service boundaries, infill and redevelopment areas, and rural land stewardship areas if the required binding agreement between the local government, impacted jurisdictions, and DOT required for the full exemption is not attained.

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3177, F.S.; deleting a requirement that the entire
4 comprehensive plan be financially feasible; specifying
5 limitations on challenges to certain changes in a 5-year
6 schedule of capital improvements; authorizing local
7 governments to continue adopting land use plan amendments
8 during challenges to the plan; amending s. 163.3180, F.S.;
9 providing that certain local governments are concurrent
10 with an adopted transportation improvements plan
11 notwithstanding certain improvements not being concurrent;
12 providing for a waiver of transportation facilities
13 concurrency requirements for certain urban infill,
14 redevelopment, and downtown revitalization areas and
15 certain built-out municipalities; requiring local
16 governments and the Department of Transportation to
17 establish a plan for maintaining certain level-of-service
18 standards; providing requirements for the waiver for such
19 built-out municipalities; exempting certain municipalities
20 from certain transportation concurrency requirements;
21 deleting record-keeping and reporting requirements related
22 to transportation de minimis impacts; providing that
23 school capacity is not a basis for finding a comprehensive
24 plan amendment not in compliance; deleting a requirement
25 to incorporate the school concurrency service areas and
26 criteria and standards for establishment of the service
27 areas into the local government comprehensive plan;
28 amending s. 163.3187, F.S.; authorizing approval of

29 certain small scale amendments to a comprehensive plan for
30 certain built-out municipalities; providing criteria,
31 requirements, and procedures; providing for nonapplication
32 under certain circumstances; amending s. 163.3247, F.S.;
33 assigning the Century Commission for a Sustainable Florida
34 to the Department of Community Affairs for administrative
35 and fiscal accountability purposes; requiring the
36 commission to develop a budget; providing budget
37 requirements; amending s. 339.2819, F.S.; revising
38 criteria for matching funds for the Transportation
39 Regional Incentive Program; amending s. 380.06, F.S.;
40 revising an exemption from development of regional impact
41 review for certain developments within an urban service
42 boundary; limiting development-of-regional-impact review
43 of certain urban service boundaries, urban infill and
44 redevelopment areas, and rural land stewardship areas to
45 transportation impacts only under certain circumstances;
46 providing an effective date.
47
48 Be It Enacted by the Legislature of the State of Florida:
49
50 Section 1. Subsection (2) and paragraph (b) of subsection
51 (3) of section 163.3177, Florida Statutes, are amended to read:
52 163.3177 Required and optional elements of comprehensive
53 plan; studies and surveys.--
54 (2) Coordination of the several elements of the local
55 comprehensive plan shall be a major objective of the planning
56 process. The several elements of the comprehensive plan shall be

57 consistent, and the comprehensive plan shall be ~~financially~~
58 feasible. ~~Financial~~ Feasibility shall be determined using
59 professionally accepted methodologies.
60 (3)
61 (b)1. The capital improvements element shall be reviewed
62 on an annual basis and modified as necessary in accordance with
63 s. 163.3187 or s. 163.3189 in order to maintain a financially
64 feasible 5-year schedule of capital improvements. Corrections
65 and modifications concerning costs; revenue sources; or
66 acceptance of facilities pursuant to dedications which are
67 consistent with the plan may be accomplished by ordinance and
68 shall not be deemed to be amendments to the local comprehensive
69 plan. A copy of the ordinance shall be transmitted to the state
70 land planning agency. An amendment to the comprehensive plan is
71 required to update the schedule on an annual basis or to
72 eliminate, defer, or delay the construction for any facility
73 listed in the 5-year schedule. <u>An affected person may challenge</u>
74 <u>the addition of a facility, or the elimination, deferral, or</u>
75 <u>delay of a project, only when the facility is first added to the</u>
76 <u>5-year schedule of capital improvements or when the project is</u>
77 <u>proposed to be eliminated, deferred, or delayed.</u> All public
78 facilities shall be consistent with the capital improvements
79 element. Amendments to implement this section must be adopted
80 and transmitted no later than December 1, 2007. Thereafter, a
81 local government may not amend its future land use map, except
82 for plan amendments to meet new requirements under this part and
83 emergency amendments pursuant to s. 163.3187(1)(a), after
84 December 1, 2007, and every year thereafter, unless and until

85 the local government has adopted the annual update and it has
86 been transmitted to the state land planning agency. If an
87 affected party challenges the 5-year schedule of capital
88 improvements, a local government may continue to adopt plan
89 amendments to the future land use map during the pendency of the
90 challenge and any related litigation. The outcome of a third-
91 party challenge to the 5-year schedule of capital improvements
92 shall not affect any amendments adopted during the pendency of
93 such challenge and any related litigation.
94 2. Capital improvements element amendments adopted after
95 the effective date of this act shall require only a single
96 public hearing before the governing board which shall be an
97 adoption hearing as described in s. 163.3184(7). Such amendments
98 are not subject to the requirements of s. 163.3184(3)-(6).
99 Section 2. Paragraph (c) of subsection (2), subsection
100 (6), and paragraphs (d) and (g) of subsection (13) of section
101 163.3180, Florida Statutes, are amended, and paragraphs (h) and
102 (i) are added to subsection (5) of that section, to read:
103 163.3180 Concurrency.--
104 (2)
105 (c) Consistent with the public welfare, and except as
106 otherwise provided in this section, transportation facilities
107 needed to serve new development shall be in place or under
108 actual construction within 3 years after the local government
109 approves a building permit or its functional equivalent that
110 results in traffic generation. However, local governments that
111 adopt, in cooperation with the Department of Transportation, a
112 5-year or longer transportation improvements plan for future

113 development and make the financial commitments to fund such plan
114 shall be deemed concurrent throughout the duration of the plan
115 even if, in any particular year, such transportation
116 improvements are not concurrent.
117 (5)
118 (h) It is a high state priority that urban infill and
119 redevelopment be promoted and provided incentives. By promoting
120 the revitalization of existing communities of this state, a more
121 efficient maximization of space and facilities may be achieved
122 and urban sprawl discouraged. If a local government creates a
123 long-term vision for its community that includes adequate
124 funding, services, and multimodal transportation options, the
125 transportation facilities concurrency requirements of paragraph
126 (2)(c) are waived:
127 1.a. For urban infill and redevelopment areas designated
128 in the comprehensive plan under s. 163.2517; or
129 b. For areas designated in the comprehensive plan prior to
130 January 1, 2006, as urban infill development, urban
131 redevelopment, or downtown revitalization.
132
133 The local government and the Department of Transportation shall
134 cooperatively establish a plan for maintaining the adopted
135 level-of-service standards established by the Department of
136 Transportation for Strategic Intermodal System facilities, as
137 defined in s. 339.64.
138 2. For municipalities that are at least 90 percent built-
139 out. For purposes of this exemption:
140 a. The term "built-out" means that 90 percent of the

141 property within the municipality's boundaries, excluding lands
142 that are designated as conservation, preservation, recreation,
143 or public facilities categories, have been developed or are the
144 subject of an approved development order that has received a
145 building permit and the municipality has an average density of
146 five units per acre for residential developments.
147 b. The municipality must have adopted an ordinance that
148 provides the methodology for determining its built-out
149 percentage, declares that transportation concurrency
150 requirements are waived within its municipal boundary or within
151 a designated area of the municipality, and addresses multimodal
152 options and strategies, including alternative modes of
153 transportation within the municipality. Prior to the adoption of
154 the ordinance, the local government shall consult with the
155 Department of Transportation to assess the impact that the
156 waiver of the transportation concurrency requirements is
157 expected to have on the adopted level-of-service standards
158 established for Strategic Intermodal System facilities, as
159 defined in s. 339.64. Further, the local government shall
160 cooperatively establish a plan for maintaining the adopted
161 level-of-service standards established by the department for
162 Strategic Intermodal System facilities, as described in s.
163 339.64.
164 c. If a municipality annexes any property, the
165 municipality must recalculate its built-out percentage pursuant
166 to the methodology set forth in its ordinance to verify whether
167 the annexed property may be included within the exemption.
168 d. If transportation concurrency requirements are waived

169 under this subparagraph, the municipality must adopt a
170 comprehensive plan amendment pursuant to s. 163.3187(1)(c),
171 which updates its transportation element to reflect the
172 transportation concurrency requirements waiver, and must submit
173 a copy of its ordinance, adopted in sub-subparagraph b., to the
174 state land planning agency.
175 (i) A municipality that has an areawide development of
176 regional impact created under s. 380.06(25) or a downtown
177 development authority created under 380.06(22) is exempt from
178 the requirements of transportation concurrency within the
179 designated area if the municipality has not increased the
180 boundaries of the development of regional impact after July 1,
181 2005, and adopts a mitigation plan, with funding identified, to
182 address transportation deficiencies if one has not been adopted
183 as part of the creation of the areawide development of regional
184 impact.
185 (6) The Legislature finds that a de minimis impact is
186 consistent with this part. A de minimis impact is an impact that
187 would not affect more than 1 percent of the maximum volume at
188 the adopted level of service of the affected transportation
189 facility as determined by the local government. No impact will
190 be de minimis if the sum of existing roadway volumes and the
191 projected volumes from approved projects on a transportation
192 facility would exceed 110 percent of the maximum volume at the
193 adopted level of service of the affected transportation
194 facility; provided however, that an impact of a single family
195 home on an existing lot will constitute a de minimis impact on
196 all roadways regardless of the level of the deficiency of the

197 roadway. Further, no impact will be de minimis if it would
198 exceed the adopted level-of-service standard of any affected
199 designated hurricane evacuation routes. ~~Each local government~~
200 ~~shall maintain sufficient records to ensure that the 110 percent~~
201 ~~criterion is not exceeded. Each local government shall submit~~
202 ~~annually, with its updated capital improvements element, a~~
203 ~~summary of the de minimis records. If the state land planning~~
204 ~~agency determines that the 110 percent criterion has been~~
205 ~~exceeded, the state land planning agency shall notify the local~~
206 ~~government of the exceedance and that no further de minimis~~
207 ~~exceptions for the applicable roadway may be granted until such~~
208 ~~time as the volume is reduced below the 110 percent. The local~~
209 ~~government shall provide proof of this reduction to the state~~
210 ~~land planning agency before issuing further de minimis~~
211 ~~exceptions.~~
212 (13) School concurrency shall be established on a
213 districtwide basis and shall include all public schools in the
214 district and all portions of the district, whether located in a
215 municipality or an unincorporated area unless exempt from the
216 public school facilities element pursuant to s. 163.3177(12).
217 The application of school concurrency to development shall be
218 based upon the adopted comprehensive plan, as amended. All local
219 governments within a county, except as provided in paragraph
220 (f), shall adopt and transmit to the state land planning agency
221 the necessary plan amendments, along with the interlocal
222 agreement, for a compliance review pursuant to s. 163.3184(7)
223 and (8). The minimum requirements for school concurrency are the
224 following:

225 (d) Financial feasibility.--The Legislature recognizes
226 that financial feasibility is an important issue because the
227 premise of concurrency is that the public facilities will be
228 provided in order to achieve and maintain the adopted level-of-
229 service standard. This part and chapter 9J-5, Florida
230 Administrative Code, contain specific standards to determine the
231 financial feasibility of capital programs. These standards were
232 adopted to make concurrency more predictable and local
233 governments more accountable.
234 1. A comprehensive plan amendment seeking to impose school
235 concurrency shall contain appropriate amendments to the capital
236 improvements element of the comprehensive plan, consistent with
237 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
238 Administrative Code. The capital improvements element shall set
239 forth a financially feasible public school capital facilities
240 program, established in conjunction with the school board, that
241 demonstrates that the adopted level-of-service standards will be
242 achieved and maintained.
243 2. Such amendments shall demonstrate that the public
244 school capital facilities program meets all of the financial
245 feasibility standards of this part and chapter 9J-5, Florida
246 Administrative Code, that apply to capital programs which
247 provide the basis for mandatory concurrency on other public
248 facilities and services.
249 3. When the financial feasibility of a public school
250 capital facilities program is evaluated by the state land
251 planning agency for purposes of a compliance determination, the

252 evaluation shall be based upon the service areas selected by the
253 local governments and school board.
254 4. School capacity shall not be the basis to find any
255 amendment to a local government comprehensive plan not in
256 compliance pursuant to s. 163.3184 until the date established
257 pursuant to s. 163.3177(12)(i), provided data and analysis are
258 submitted to the state land planning agency demonstrating
259 coordination between the school board and the local government
260 to plan on addressing capacity issues.
261 (g) Interlocal agreement for school concurrency.--When
262 establishing concurrency requirements for public schools, a
263 local government must enter into an interlocal agreement that
264 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
265 163.31777 and the requirements of this subsection. The
266 interlocal agreement shall acknowledge both the school board's
267 constitutional and statutory obligations to provide a uniform
268 system of free public schools on a countywide basis, and the
269 land use authority of local governments, including their
270 authority to approve or deny comprehensive plan amendments and
271 development orders. The interlocal agreement shall be submitted
272 to the state land planning agency by the local government as a
273 part of the compliance review, along with the other necessary
274 amendments to the comprehensive plan required by this part. In
275 addition to the requirements of ss. 163.3177(6)(h) and
276 163.31777, the interlocal agreement shall meet the following
277 requirements:
278 1. Establish the mechanisms for coordinating the
279 development, adoption, and amendment of each local government's

280 public school facilities element with each other and the plans
281 of the school board to ensure a uniform districtwide school
282 concurrency system.
283 2. Establish a process for the development of siting
284 criteria which encourages the location of public schools
285 proximate to urban residential areas to the extent possible and
286 seeks to collocate schools with other public facilities such as
287 parks, libraries, and community centers to the extent possible.
288 3. Specify uniform, districtwide level-of-service
289 standards for public schools of the same type and the process
290 for modifying the adopted level-of-service standards.
291 4. Establish a process for the preparation, amendment, and
292 joint approval by each local government and the school board of
293 a public school capital facilities program which is financially
294 feasible, and a process and schedule for incorporation of the
295 public school capital facilities program into the local
296 government comprehensive plans on an annual basis.
297 5. Define the geographic application of school
298 concurrency. If school concurrency is to be applied on a less
299 than districtwide basis in the form of concurrency service
300 areas, the agreement shall establish criteria and standards for
301 the establishment and modification of school concurrency service
302 areas. ~~The agreement shall also establish a process and schedule~~
303 ~~for the mandatory incorporation of the school concurrency~~
304 ~~service areas and the criteria and standards for establishment~~
305 ~~of the service areas into the local government comprehensive~~
306 ~~plans.~~ The agreement shall ensure maximum utilization of school
307 capacity, taking into account transportation costs and court-

308 approved desegregation plans, as well as other factors. The
309 agreement shall also ensure the achievement and maintenance of
310 the adopted level-of-service standards for the geographic area
311 of application throughout the 5 years covered by the public
312 school capital facilities plan and thereafter by adding a new
313 fifth year during the annual update.
314 6. Establish a uniform districtwide procedure for
315 implementing school concurrency which provides for:
316 a. The evaluation of development applications for
317 compliance with school concurrency requirements, including
318 information provided by the school board on affected schools,
319 impact on levels of service, and programmed improvements for
320 affected schools and any options to provide sufficient capacity;
321 b. An opportunity for the school board to review and
322 comment on the effect of comprehensive plan amendments and
323 rezonings on the public school facilities plan; and
324 c. The monitoring and evaluation of the school concurrency
325 system.
326 7. Include provisions relating to amendment of the
327 agreement.
328 8. A process and uniform methodology for determining
329 proportionate-share mitigation pursuant to subparagraph (e)1.
330 Section 3. Paragraph (p) is added to subsection (1) of
331 section 163.3187, Florida Statutes, to read:
332 163.3187 Amendment of adopted comprehensive plan.--
333 (1) Amendments to comprehensive plans adopted pursuant to
334 this part may be made not more than two times during any
335 calendar year, except:

336 (p)1. For municipalities that are more than 90 percent
337 built-out, any municipality's comprehensive plan amendments may
338 be approved without regard to limits imposed by law on the
339 frequency of consideration of amendments to the local
340 comprehensive plan only if the proposed amendment involves a use
341 of 100 acres or fewer and:
342 a. The cumulative annual effect of the acreage for all
343 amendments adopted pursuant to this paragraph does not exceed
344 500 acres.
345 b. The proposed amendment does not involve the same
346 property granted a change within the prior 12 months.
347 c. The proposed amendment does not involve the same
348 owner's property within 200 feet of property granted a change
349 within the prior 12 months.
350 d. The proposed amendment does not involve a text change
351 to the goals, policies, and objectives of the local government's
352 comprehensive plan but only proposes a land use change to the
353 future land use map for a site-specific small scale development
354 activity.
355 e. The property that is the subject of the proposed
356 amendment is not located within an area of critical state
357 concern.
358 2. For purposes of this paragraph, the term "built-out"
359 means 90 percent of the property within the municipality's
360 boundaries, excluding lands that are designated as conservation,
361 preservation, recreation, or public facilities categories, have
362 been developed or are the subject of an approved development
363 order that has received a building permit and the municipality

364 has an average density of five units per acre for residential
365 development.
366 3.a. A local government that proposes to consider a plan
367 amendment pursuant to this paragraph is not required to comply
368 with the procedures and public notice requirements of s.
369 163.3184(15)(c) for such plan amendments if the local government
370 complies with the provisions of s. 166.041(3)(c). If a request
371 for a plan amendment under this paragraph is initiated by other
372 than the local government, public notice of the amendment is
373 required.
374 b. The local government shall send copies of the notice
375 and amendment to the state land planning agency, the regional
376 planning council, and any other person or entity requesting a
377 copy. This information shall also include a statement
378 identifying any property subject to the amendment that is
379 located within a coastal high hazard area as identified in the
380 local comprehensive plan.
381 4. Amendments adopted pursuant to this paragraph require
382 only one public hearing before the governing board, which shall
383 be an adoption hearing as described in s. 163.3184(7), and are
384 not subject to the requirements of s. 163.3184(3)-(6) unless the
385 local government elects to have them subject to those
386 requirements.
387 5. This paragraph shall not apply if a municipality
388 annexes unincorporated property that decreases the percentage of
389 build-out to an amount below 90 percent.
390 6. A municipality shall notify the state land planning
391 agency in writing of the municipality's built-out percentage

392 prior to the submission of any comprehensive plan amendments
393 under this subsection.
394 Section 4. Paragraphs (h) and (i) are added to subsection
395 (4) of section 163.3247, Florida Statutes, to read:
396 163.3247 Century Commission for a Sustainable Florida.--
397 (4) POWERS AND DUTIES.--The commission shall:
398 (h) Be assigned to the Office of the Secretary of the
399 Department of Community Affairs for administrative and fiscal
400 accountability purposes but shall otherwise function
401 independently of the control and direction of the department.
402 (i) Develop a budget pursuant to chapter 216. The budget
403 is not subject to change by the department but shall be
404 submitted to the Governor together with the department's budget.
405 Section 5. Subsection (2) of section 339.2819, Florida
406 Statutes, is amended to read:
407 339.2819 Transportation Regional Incentive Program.--
408 (2) The percentage of matching funds provided from the
409 Transportation Regional Incentive Program shall be 50 percent of
410 project costs~~, or up to 50 percent of the nonfederal share of~~
411 ~~the eligible project cost for a public transportation facility~~
412 ~~project~~.
413 Section 6. Paragraphs (l) and (n) of subsection (24) of
414 section 380.06, Florida Statutes, are amended, and subsection
415 (28) is added to that section, to read:
416 380.06 Developments of regional impact.--
417 (24) STATUTORY EXEMPTIONS.--
418 (l) Any proposed development within an urban service
419 boundary established under s. 163.3177(14) is exempt from the

420 provisions of this section if the local government having
421 jurisdiction over the area where the development is proposed has
422 adopted the urban service boundary, ~~and~~ has entered into a
423 binding agreement with ~~adjacent~~ jurisdictions that would be
424 impacted and with the Department of Transportation regarding the
425 mitigation of impacts on state and regional transportation
426 facilities, and has adopted a proportionate share methodology
427 pursuant to s. 163.3180(16).
428 (n) Any proposed development or redevelopment within an
429 area designated as an urban infill and redevelopment area under
430 s. 163.2517 is exempt from ~~the provisions of~~ this section if the
431 local government has entered into a binding agreement with
432 jurisdictions that would be impacted and the Department of
433 Transportation regarding the mitigation of impacts on state and
434 regional transportation facilities, and has adopted a
435 proportionate share methodology pursuant to s. 163.3180(16).
436 (28) PARTIAL STATUTORY EXEMPTIONS.--
437 (a) If the binding agreement referenced under paragraph
438 (24)(l) for urban service boundaries is not entered into within
439 12 months after establishment of the urban service boundary, the
440 development-of-regional-impact review for projects within the
441 urban service boundary must address transportation impacts only.
442 (b) If the binding agreement referenced under paragraph
443 (24)(n) for designated urban infill and redevelopment areas is
444 not entered into within 12 months after the designation of the
445 area or July 1, 2007, whichever occurs later, the development-
446 of-regional-impact review for projects within the urban infill
447 and redevelopment area must address transportation impacts only.

448 (c) If the binding agreement referenced under paragraph
449 (24)(m) for rural land stewardship areas is not entered into
450 within 12 months after the designation of a rural land
451 stewardship area, the development-of-regional-impact review for
452 projects within the rural land stewardship area must address
453 transportation impacts only.
454 (d) A local government that does not wish to enter into a
455 binding agreement or that is unable to agree on the terms of the
456 agreement referenced under paragraph (24)(l), paragraph (24)(m),
457 or paragraph (24)(n) shall provide written notification to the
458 state land planning agency of the desire not to enter into a
459 binding agreement or a failure to enter into a binding agreement
460 within the 12-month period referenced in paragraph (a),
461 paragraph (b), or paragraph (c). Following the notification of
462 the state land planning agency, the development-of-regional-
463 impact review for projects within the urban service boundary
464 under paragraph (24)(l), within a rural land stewardship area
465 under paragraph (24)(m), or for an urban infill and
466 redevelopment area under paragraph (24)(n) must address
467 transportation impacts only.
468 Section 7. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 949 CS Municipalities
SPONSOR(S): Arza
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	6 Y, 2 N	Camechis	Hamby
2) Growth Management Committee	6 Y, 2 N, w/CS	Grayson	Grayson
3) State Infrastructure Council		Grayson	Havlicak
4)			
5)			

SUMMARY ANALYSIS

This bill limits the applicability of existing and future county charter provisions, countywide county ordinances, county land development regulations, and countywide special acts governing the use, development or redevelopment of land, or providing an exclusive method of municipal annexation.

Existing charter provisions, ordinances, land development regulations, and special acts governing the use, development or redevelopment of land, or providing an exclusive method of municipal annexation are no longer applicable in or to a municipality within a county unless approved by a majority vote of the electors within the municipality or the municipal governing board. Charter provisions, ordinances, land development regulations, and special acts governing the use, development or redevelopment of land, or providing an exclusive method of municipal annexation that are adopted after the effective date of this bill may not be applied to a municipality within the county unless first approved by a majority vote of the electors within the municipality or the municipal governing board.

This bill appears to be retroactive because it provides that existing county charter ordinances, county ordinances, county land development regulations, and countywide special acts are no longer applicable in or to municipalities within the county unless approved by the electors within the municipality or the municipal governing board.

This bill does not appear to have a fiscal impact on the state.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill may result in expanded government if a charter county contains multiple cities, and all those cities reject a charter county provision or an ordinance pursuant to such provision that governs land use, development or redevelopment of land, or municipal annexation, the result could be multiple ordinances governing the same subjects within the county. For example, Broward County contains 31 cities. Each of these cities may choose to enact independent ordinances governing land use in the area.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

County Government

Although the state's first counties were established in 1821, the Florida Constitution of 1861 gave counties constitutional status for the first time. Counties were recognized as legal subdivisions of the state and the Legislature was granted the power to create new counties and alter county boundaries. By 1925, county boundaries were fixed and have, with a few minor changes, remained unchanged. Today, there are 67 counties in Florida. Home rule charters have been adopted in 19 counties, and 75% of the state's population resides in a charter county.[1] Nine charter counties contain more than nine municipalities, while Broward and Palm Beach contain 30 or more.

Article VIII, section 1 of the State Constitution requires the state to be divided by law into political subdivisions called "counties". Counties may be created, abolished, or the boundaries modified by law. The State Constitution recognizes two types of county government in Florida: 1) counties that are not operating under a county charter (non-charter counties) and 2) counties that are operating under a county charter adopted by the electors of the county in a countywide special election called for that purpose.

Article VIII, sections 1(f) and (g) of the State Constitution, respectively address non-charter and charter county powers as follows:

> (f) Non-charter government. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.
>
> (g) Charter government. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. *The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.* [Emphasis added]

[1] The following counties have adopted charters: Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Miami-Dade (a consolidated city), Duval, Hillsborough, Lee, Leon, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, and Volusia.

Perhaps the most significant difference between non-charter and charter county powers is that the constitution provides a direct constitutional grant of the power of self-government to a county operating under a charter approved by the electors of the county, whereas a non-charter county has only those powers the Legislature provides by general or special law.

Further, the Florida Supreme Court has concluded that section 1(g), State Constitution, "was intended to specifically give charter counties two powers unavailable to non-charter counties: the power to preempt conflicting municipal ordinances, and the power to avoid intervention of the legislature by special laws. The power to preempt is the power to exercise county power to the exclusion of municipal power. Preemption is a transfer of power, from exclusive municipal authority or concurrent authority, to exclusive county authority".[2]

Under this constitutional grant of power, a county's charter may authorize the county to regulate an activity on a countywide basis and provide that the county regulation prevails over any conflicting municipal ordinance.[3] The Florida Supreme Court has concluded that section 1(g), State Constitution, permits "regulatory preemption by counties" and that a charter county may preempt a municipal regulatory power in such areas when county-wide uniformity will best further the ends of government.[4] In addition to this grant of power, however, is the limitation imposed by the constitution, which grants charter counties all powers of self-government "not inconsistent with general law". The interrelationship between the grant of power to determine which ordinances prevails and the limitation of charter county authority by general law is unclear and has not been directly addressed by the Florida courts. Therefore, the constitutionality of a general law that limits a charter county's power to determine that county ordinances prevail over any conflicting municipal ordinances is uncertain.

Adoption of County Charters

A county that does not have a charter form of government may locally initiate and adopt a county home rule charter pursuant to the provisions of ss. 125.60-125.64, F.S. In addition to satisfying multiple statutory requirements, the charter must be adopted by a majority vote of the qualified electors of the county.

Upon petition by 15 percent of the qualified electors of a county or following adoption of a resolution by the board of county commissioners requesting that a charter commission be established, the charter commission must be appointed. The commission must conduct a comprehensive study of the operation of county government and of the ways it could be improved or reorganized. The commission must conduct three public hearings, vote upon a proposed charter at its last hearing, and forward the proposed charter to the board of county commissioners for the holding of a referendum election. Immediately after the commission submits a proposed charter, the board of county commissioners must call a special election within a specified time frame to determine whether the qualified electors of the county approve the proposed charter. If a majority of those voting disapprove the proposed charter, a new referendum may not be held for two years. Once adopted, the charter may be amended only by vote of the county electors.

Alternatively, the board of county commissioners may propose by ordinance a charter that is consistent with Part IV of ch. 125, F.S., the "Optional Charter County Law." Section 125.86, F.S., specifies the powers and duties of the charter county, which include all powers of local self-government "not

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[2] *Broward County v. City of Fort Lauderdale*, 480 So.2d 631 (Fla. 1985).
[3] *Broward County v. City of Fort Lauderdale*, 480 So.2d 631 (Fla. 1985); *City of New Smyrna Beach v. County of Volusia*, 518 So.2d 1379 (Fla. 1988).
[4] *City of New Smyrna Beach v. County of Volusia*, 518 So.2d 1379 (Fla. 1988), citing *Broward County v. City of Fort Lauderdale*, 480 So.2d 631 (Fla. 1985).

inconsistent with general law as recognized by the Constitution and laws of the state and which have not been limited by the charter."

County Statutory Home Rule Powers

Section 125.01, F.S., grants broad home rule powers to non-charter and charter counties. These powers include the power to:

- Prepare and enforce comprehensive plans for the development of the county;
- Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public;
- Adopt, by reference or in full, and enforce housing and related technical codes and regulations; establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs; and
- Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.

The section specifically provides that the legislative purpose is to be liberally construed to grant all counties broad home rule powers authorized in the State Constitution. Under this broad grant of general law powers, specific statutory authority to enact ordinances or to deliver services to residents of the counties is not required. All counties have home rule authority to enact ordinances for any county purpose absent a general law limitation.

Section 125.86(7), F.S., vests the powers of a charter county in the board of county commissioners. One power explicitly granted to the board of county commissioners of a charter county is the power to "[a]dopt, pursuant to the provisions of the charter, such ordinances of countywide force and effect as are necessary for the health, safety, and welfare of the residents. It is the specific legislative intent to recognize that a county charter may properly determine that certain governmental areas are more conducive to uniform countywide enforcement and may provide the county government powers in relation to those areas as recognized and as may be amended from time to time by the people of that county".

County Provisions Regarding Land Use[5]

In recent years, some charter counties have amended their charter to provide an exclusive method for annexation. Some counties have also enacted building height limitations that apply in municipal jurisdictions that are within the county. In addition, some counties exercise land use planning responsibility, in varying degrees, for municipalities located within the county and certain land use decisions within such municipalities may require county approval. These types of charter provisions or ordinances have the effect of preempting municipal authority with respect to land use planning.

For example, voters in Palm Beach and Seminole counties approved charter provisions relating to annexation in 2004. The Palm Beach County provision gave county commissioners the ability to set annexation guidelines by ordinance. Several municipalities challenged the charter amendment in circuit court.12 The circuit court held, in part, that the provisions allowing the county to define the exclusive method for voluntary annexation, by ordinance, violates the requirement in s. 171.044(4), F.S., that an exclusive method of annexation be contained in the charter itself.13 Seminole County voters approved a charter amendment that would give the county final authority over land-use changes and

[5] *Senate Staff Analysis and Economic Impact Statement for SB 1608*, prepared by the Senate Community Affairs Committee, p. 4 (March 15, 2006).

development densities in certain portions of east Seminole County. This provision is currently on appeal.

Municipal Government

The municipal form of government has been recognized in Florida since 1821. Historically, counties have provided state services such as courts, tax collections, sheriff functions, health and welfare services uniformly throughout the county, while municipalities are created to perform additional functions and provide additional services for the particular benefit of the population within the municipality. Currently, there are 408 municipalities in Florida.

Article VIII, section 2 of the State Constitution provides that "[m]unicipalities may be established or abolished and their charters amended pursuant to general or special law." Municipal home rule powers are provided in that section as follows:

> Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

In general, a municipality may exercise any power for municipal purposes except as otherwise provided by general or special law. In 1972, the Legislature enacted ch. 166, F.S., granting municipalities broad governmental, corporate, and proprietary powers necessary to enable municipalities to independently function and provide services to residents.

Growth Management and Land Use Generally[6]

The Local Government Comprehensive Planning and Land Development Regulation Act of 1985 ("Act"), ss. 163.3161-163.3246, F.S., establishes a growth management system in Florida which requires each local government (or combination of local governments) to adopt a comprehensive land use plan that includes certain required elements, such as: a future land use plan; capital improvements element; and an intergovernmental coordination element. The local government comprehensive plan is intended to be the policy document guiding local governments in their land use decision-making. Under the Act, the Department of Community Affairs adopted by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements with the requirements of the Act. Such minimum criteria require that the elements of the plan are consistent with each other and with the state comprehensive plan and the regional policy plan; that the elements include policies to guide future decisions and programs to ensure the plans would be implemented; that the elements include processes for intergovernmental coordination; and that the elements identify procedures for evaluating the implementation of the plan.

Annexation[7]

Section (2)(c), Art. VIII of the State Constitution, provides authority for the Legislature to establish annexation procedures for all counties except Miami-Dade. Annexation can occur using several methods: special act, charter, interlocal agreement, voluntary annexation, or involuntary annexation. Annexation through a special act must meet the notice and referendum requirements of section 10, Art. III of the State Constitution, which are applicable to all special acts.

The "Municipal Annexation or Contraction Act" in ch. 171, F.S., codifies the State's annexation procedures and was enacted in 1974 to ensure sound urban development, establish uniform methods for the adjustment of municipal boundaries, provide for efficient service delivery in areas that become

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[6] *Id.* at p. 1.
[7] *Id.* at p. 2 (With modifications.)

urban, and limit annexation to areas where municipal services can be provided.[8] At the time ch. 171, F.S., was created, the prevailing policy focused on the strength of county governments and regional planning agencies. Consequently, Florida's annexation statutes concentrate on the expansion and contraction of municipal boundaries.[9]

Current annexation policy in Florida has given rise to a number of issues: difficulty in planning to meet future service needs, confusion over logical service areas and maintenance of infrastructure, duplication of essential services, and zoning efforts thwarted by landowners shopping for the best development climate. While existing annexation procedures may adequately address the concerns of landowners within a proposed annex area, the residents of remaining unincorporated areas or residents of the municipality proposing the annexation may also be significantly affected by the potential loss of revenue or inefficiencies in service delivery.

An area proposed for annexation must be unincorporated, contiguous, and reasonably compact.[10] For a proposed annexation area to be contiguous under ch. 171, F.S., a substantial portion of the annexed area's boundary must be coterminus with the municipality's boundary.[11] "Compactness," for purposes of annexation, is defined as the concentration of property in a single area and does not allow for any action that results in an enclave, pocket, or fingers in serpentine patterns.[12]

A newly annexed area comes under the city's jurisdiction on the effective date of the annexation. Following annexation, a municipality must apply the county's land use plan and zoning regulations until a comprehensive plan amendment is adopted that includes the annexed area in the municipalities' Future Land Use Map. It is possible for the city to adopt the comprehensive plan amendment simultaneously with the approval of the annexation. However, there is no requirement that a city amend its comprehensive plan prior to annexation.[13] In the interim, a city must apply county regulations or wait to apply its own rules.

Cities may annex enclaves of 10 acres or less by interlocal agreement with the county under the provisions of s. 171.046, F.S. An enclave is defined in s. 171.031(13), F.S., as any unincorporated improved or developed area lying within a single municipality or surrounded by a single municipality and a manmade or natural obstacle that permits traffic to enter the unincorporated area only through the municipality. Enclaves of 10 acres or less can also be annexed by municipal ordinance when there are fewer than 25 registered voters living in the enclave and at least 60 percent of those voters approve the annexation in a referendum. In a similar process, s. 163.3171, F.S., allows for a joint planning agreement between a municipality and county to allow annexation of unincorporated areas adjacent to a municipality.

Section 171.044, F.S., provides the procedures for a voluntary annexation which occurs when 100 percent of the landowners in an area petition a municipality. In addition to the annexing municipality enacting an ordinance allowing for the annexation to occur, there are certain notice requirements that must be met. This section does not apply where a county charter provides the exclusive method for voluntary annexation.[14] Also, the voluntary annexation procedures in this section are considered supplemental to any other procedure contained in general or special law.[15]

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[8] s. 171.021, F.S.
[9] See Lance deHaven-Smith, Ph.D., FCCMA Policy Statement on Annexation, Oct. 12, 2002, at 16-17, http://www.fccma.org/pdf/FCCMA_Paper_Final_Draft.pdf.
[10] ss. 171.0413-171.043, F.S.
[11] s. 171.031(11), F.S.
[12] s. 171.031(12), F.S.
[13] See *1000 Friends of Fla., Inc. v. Florida Dep't of Community Affairs*, 824 So. 2d 989 (Fla. 4th DCA 2002).
[14] s. 171.044(4), F.S.
[15] s. 171.044(4), F.S.

EFFECT OF PROPOSED CHANGES

This bill creates s. 163.3172, F.S., to address the application to municipalities of any charter county charter provision or ordinance pursuant to such provision that affects the authority of a municipality within that charter county to regulate the use, development or redevelopment of land, or municipal annexation. This new section provides legislative findings as follows:

- Municipalities are the units of local self-government closest to the people they serve and thereby are best situated to determine the unique needs of their communities;
- Municipalities provide their residents a true voice as to the character and values of their local communities;
- There have been increasing and numerous preemptions of municipal democratic powers by other forms of local government;
- Municipalities must retain the authority to perform the functions that are of most immediate concern to their citizens.

The bill differentiates between charter county actions before or after July 1, 2006, the effective date of the bill, in the following manner.

Charter County Actions Prior to July 1, 2006: Any charter county charter provision affecting the authority of a municipality regarding the use, development, or redevelopment of land, or municipal annexation, enacted before July 1, 2006, will be effective within the municipality, subject to modification or repeal by municipal ordinance.

Charter County Actions On or After July 1, 2006: Any charter county charter provision affecting the authority of a municipality regarding the use, development, or redevelopment of land, or municipal annexation, enacted on or after July 1, 2006, may not apply to or within the municipality unless the provision or ordinance is approved by a vote of either:

- The municipality's governing body; or
- The electors of the municipality at a duly called municipal election.

The bill provides that effectiveness of such charter county provisions or ordinances are affected as described above notwithstanding ch. 163, F.S., or any other law.

By "notwithstanding" chs. 163 and any other law, the bill is, in effect, a "preemption" of those general laws previously enacted by the Legislature. Therefore, any provision in those statutes that authorize or provide for countywide application of county ordinances or regulations governing the use, development, or redevelopment of land are no longer applicable. The full impact of "notwithstanding" these general laws is unknown due to the broad range of subjects potentially covered by these provisions. For example, ch. 163, F.S., broadly governs intergovernmental programs, including:

- Miscellaneous Programs, such as the Florida Interlocal Cooperation Act of 1969;
- Growth Policy and County and Municipal Planning;
- Land Development Regulation;
- Community Redevelopment;
- Neighborhood Improvement Districts; and
- Regional Transportation Authorities.

Chapter 125, F.S., sets forth the broad Legislative grant of home rule powers to charter and non-charter counties and generally relates to county governance, including provisions regarding:

- Powers and Duties of County Commissioners;
- Self-Government of Counties, which grants general and specific powers to non-charter and charter counties;

- County Administration; and
- Optional County Charters.

Chapter 171, F.S., is known as the "Municipal Annexation or Contraction Act." The purposes of the act are to provide procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place. Section 171.044, F.S., establishes a method of "voluntary annexation" whereby "[t]he owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Section 171.044(4), F.S., provides that "[t]he method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties *with charters which provide for an exclusive method of municipal annexation.*" This bill essentially preempts subsection (4) so that any existing or future county charter provision that provides an exclusive method of voluntary annexation must be approved by the city commission or the qualified electors of a city prior to application of the provision to the city.

The bill explicitly exempts from its provisions:
- Any county as defined in s. 125.011, F.S., which only includes Miami-Dade County.[16]
- Any countywide impact fee for transportation or public schools approved by the governing board of a charter county.
- Any law or charter county provision or ordinance that sets minimum standards for protecting the environment through the prohibition or regulation of air, water, soil, or property contamination.
- Any special district created by special act.

C. SECTION DIRECTORY:

Section 1. Creates s. 163.3172, F.S., limiting application of charter county charter provisions or ordinances pursuant to such charter provisions that govern land use, development and redevelopment of land, and municipal annexation.

Section 2. Providing an effective date.

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: This bill does not have a direct impact on local government revenues.

2. Expenditures: Please see Mandates Analysis below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: All charter county charter provisions and ordinances pursuant to such charter provisions that govern land use, redevelopment and development

[16] The term "county" is defined in s. 125.011, F.S., as "any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions shall include "board of county commissioners" of such county."

of land, are either retained in effect within municipalities located within the charter county unless repealed or altered by municipal action, or are not in effect until approved by a vote of the municipal governing body or the electors, depending upon when the provision or ordinance was enacted. Cities may enact ordinances governing land use, regardless of a charter county provision or ordinance, as long as the city complies with state land use requirements. This may result in less stringent permitting and land use regulations within some cities, benefiting private entities wishing to development land in these areas. On the other hand, cities would be authorized to enact more stringent ordinances than those that currently apply on a countywide basis.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other: Article VIII, s. 1(g) of the State Constitution grants charter counties the power to determine, in the county charter, which ordinances prevail in the event of conflict between county and municipal ordinances.[17] This constitutional provision permits regulatory preemption by counties of municipal regulatory power if countywide uniformity will best further the ends of government.[18] However, in addition to granting charter counties the express power to provide, by charter, that county ordinances prevail in the event of a conflict with municipal ordinances, the constitution also provides that charter counties have all powers of self-government "not inconsistent with general law".[19] The question is this: Is the Legislature authorized to establish a process by general law to determine which ordinances prevail in the event of a conflict between charter county and municipal ordinances, or does the constitution grant that power exclusively to charter counties?

The interrelationship between the express constitutional grant of power to charter counties to determine which ordinances prevail, and the Legislature's authority to limit the powers of charter counties by general law has not been directly addressed by the Florida courts. The fact that the Legislature is authorized to limit municipal and charter county home rule authority by general law is undisputed and well-settled in case law; however, the Florida courts have not addressed the question of whether the Legislature may limit a charter county's direct grant of constitutional authority to determine whether county ordinances prevail over municipal ordinances. Therefore, the constitutionality of a general law preemption of charter county authority to determine whether county ordinances prevail over municipal ordinances is uncertain until directly addressed by the courts.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: The provisions of this bill are retroactive. A county that has a charter, ordinance, or land development regulation that currently preempts municipalities within the county with regard to land use, development or redevelopment of land, or that provides an exclusive method for annexation, may be repealed or amended by a municipality as provided for in this bill.

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[17] "The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances." Art. VIII, s. 1(g), Fla. Const.
[18] *Broward County v. City of Fort Lauderdale*, 480 So.2d 631 (Fla. 1985).
[19] "Counties operating under county charters shall have all powers of local self-government not inconsistent with general law...." Art. VIII, s. 1(g), Fla. Const.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 5, 2006 the Growth Management Committee adopted one amendment to HB 949. The amendment provides that no charter county provision adopted on or after July 1, 2006, or ordinance adopted pursuant to the provisions of this bill shall apply to or within the municipality, unless such a provision or ordinance is:

- Approved by a vote of the municipality's governing body; or
- Approved by a vote of the electors of the municipality at a duly called municipal election.

The amendment further provided that any law or charter county provision or ordinance adopted before July 1, 2006, that affects the authority of a municipality within a charter county to regulate the use, development or redevelopment of land or that affects municipal annexation within a charter county shall be effective within the municipality on the effective date of this bill, subject to modification or repeal by ordinance of the municipality.

The amendment further provides that the provisions of this bill do not apply to:

- Any county as defined in s. 125.001(1);
- Any countywide impact fee for transportation or public schools approved by the governing board of a charter county;
- Any law or charter county provision or ordinance that sets minimum standards for protecting the environment through the prohibition or regulation of air, water, soil, or property contamination;
- Any special district created by special act.

CHAMBER ACTION

The Growth Management Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to municipalities; creating s. 163.3172, F.S.; providing legislative findings; prohibiting effect or application of certain county provisions within municipalities unless approved by county and municipal electors or the municipal governing board; providing for effect of certain laws or charter county provisions or ordinances in certain municipalities; providing an exception; providing for nonapplication to certain counties, impact fees, laws or charter county provisions or ordinances, or special districts; providing an effective date.

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

Section 1. Section 163.3172, Florida Statutes, is created to read:

163.3172 Municipalities; county authority limitations.--

23 (1) The Legislature finds that municipalities are the
24 units of local self-government closest to the people they serve
25 and thereby are best situated to determine the unique needs of
26 their communities. Municipalities provide their residents a true
27 voice as to the character and values of their local communities.
28 The Legislature recognizes there have been increasing and
29 numerous preemptions of municipal democratic powers by other
30 forms of local government and concludes that municipalities must
31 retain the authority to perform the functions that are of most
32 immediate concern to their citizens.
33 (2) Notwithstanding this chapter or any other law, any
34 charter county charter provision adopted on or after July 1,
35 2006, or ordinance adopted pursuant to such charter provision
36 that affects the authority of a municipality within the charter
37 county to regulate the use, development, or redevelopment of
38 land or that affects municipal annexation within a charter
39 county may not apply to or within the municipality unless such
40 charter provision or ordinance is approved by a vote of:
41 (a) The municipality's governing body; or
42 (b) The electors of the municipality at a duly called
43 municipal election.
44 (3) Notwithstanding this chapter or any other law, any law
45 or charter county provision or ordinance adopted before July 1,
46 2006, that affects the authority of a municipality within a
47 charter county to regulate the use, development, or
48 redevelopment of land or that affects municipal annexation
49 within a charter county shall be effective within the

50 municipality on July 1, 2006, subject to modification or repeal
51 by ordinance of the municipality.
52 (4) This section shall not apply to:
53 (a) Any county as defined in s. 125.011;
54 (b) Any countywide impact fee for transportation or public
55 schools approved by the governing board of a charter county;
56 (c) Any law or charter county provision or ordinance that
57 sets minimum standards for protecting the environment through
58 the prohibition or regulation of air, water, soil, or property
59 contamination; or
60 (d) Any special district created by special act.
61 Section 2. This act shall take effect July 1, 2006.

State Infrastructure Council

AMENDMENT PACKET

Tuesday, April 18, 2006
4:00 pm – 6:00 pm
404 House Office Building

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

Bill No. **0683**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative Traviesa offered the following:
3 **Amendment (with title amendment)**
4 Remove everything after the enacting clause and insert:
5 Section 1. Paragraph (g) of subsection (6) and paragraph
6 (d) of subsection (11) of section 163.3177, Florida Statutes,
7 are amended to read:
8 163.3177 Required and optional elements of comprehensive
9 plan; studies and surveys.--
10 (6) In addition to the requirements of subsections (1)-(5)
11 and (12), the comprehensive plan shall include the following
12 elements:
13 (g)1. For those units of local government identified in s.
14 380.24, a coastal management element, appropriately related to
15 the particular requirements of paragraphs (d) and (e) and
16 meeting the requirements of s. 163.3178(2) and (3). The coastal
17 management element shall set forth the policies that shall guide
18 the local government's decisions and program implementation with
19 respect to the following objectives:
20 a.~~1.~~ Maintenance, restoration, and enhancement of the
21 overall quality of the coastal zone environment, including, but
22 not limited to, its amenities and aesthetic values.

23 b.~~2.~~ Continued existence of viable populations of all
24 species of wildlife and marine life.
25 c.~~3.~~ The orderly and balanced utilization and
26 preservation, consistent with sound conservation principles, of
27 all living and nonliving coastal zone resources.
28 d.~~4.~~ Avoidance of irreversible and irretrievable loss of
29 coastal zone resources.
30 e.~~5.~~ Ecological planning principles and assumptions to be
31 used in the determination of suitability and extent of permitted
32 development.
33 f.~~6.~~ Proposed management and regulatory techniques.
34 g.~~7.~~ Limitation of public expenditures that subsidize
35 development in high-hazard coastal areas.
36 h.~~8.~~ Protection of human life against the effects of
37 natural disasters.
38 i.~~9.~~ The orderly development, maintenance, and use of
39 ports identified in s. 403.021(9) to facilitate deepwater
40 commercial navigation and other related activities.
41 j.~~10.~~ Preservation, including sensitive adaptive use of
42 historic and archaeological resources.
43 2. As part of this element, a local government that has a
44 coastal management element in its comprehensive plan is
45 encouraged to adopt recreational surface water use policies that
46 include applicable criteria for and consider such factors as
47 natural resources, manatee protection needs, protection of
48 working waterfronts and public access to the water, and
49 recreation and economic demands. Criteria for manatee protection
50 in the recreational surface water use policies should reflect
51 applicable guidance outlined in the Boat Facility Siting Guide
52 prepared by the Fish and Wildlife Conservation Commission. If
53 the local government elects to adopt recreational surface water

54 use policies by comprehensive plan amendment prior to submittal
55 of its evaluation and appraisal report amendments, such
56 comprehensive plan amendment is exempt from the provisions of s.
57 163.3187(1). Local governments that wish to adopt recreational
58 surface water use policies may be eligible for assistance with
59 the development of such policies through the Florida Coastal
60 Management Program. The Office of Program Policy Analysis and
61 Government Accountability shall submit a report on the adoption
62 of recreational surface water use policies under this
63 subparagraph to the President of the Senate, the Speaker of the
64 House of Representatives, and the majority and minority leaders
65 of the Senate and the House of Representatives no later than
66 December 1, 2010.
67 (11)
68 (d)1. The department, in cooperation with the Department
69 of Agriculture and Consumer Services, the Department of
70 Environmental Protection, water management districts, and
71 regional planning councils, shall provide assistance to local
72 governments in the implementation of this paragraph and rule 9J-
73 5.006(5)(l), Florida Administrative Code. Implementation of
74 those provisions shall include a process by which the department
75 may authorize local governments to designate all or portions of
76 lands classified in the future land use element as predominantly
77 agricultural, rural, open, open-rural, or a substantively
78 equivalent land use, as a rural land stewardship area within
79 which planning and economic incentives are applied to encourage
80 the implementation of innovative and flexible planning and
81 development strategies and creative land use planning
82 techniques, including those contained herein and in rule 9J-
83 5.006(5)(l), Florida Administrative Code. Assistance may
84 include, but is not limited to:

85 a. Assistance from the Department of Environmental
86 Protection and water management districts in creating the
87 geographic information systems land cover database and aerial
88 photogrammetry needed to prepare for a rural land stewardship
89 area;
90 b. Support for local government implementation of rural
91 land stewardship concepts by providing information and
92 assistance to local governments regarding land acquisition
93 programs that may be used by the local government or landowners
94 to leverage the protection of greater acreage and maximize the
95 effectiveness of rural land stewardship areas; and
96 c. Expansion of the role of the Department of Community
97 Affairs as a resource agency to facilitate establishment of
98 rural land stewardship areas in smaller rural counties that do
99 not have the staff or planning budgets to create a rural land
100 stewardship area.
101 2. The department shall encourage participation by local
102 governments of different sizes and rural characteristics in
103 establishing and implementing rural land stewardship areas. It
104 is the intent of the Legislature that rural land stewardship
105 areas be used to further the following broad principles of rural
106 sustainability: restoration and maintenance of the economic
107 value of rural land; control of urban sprawl; identification and
108 protection of ecosystems, habitats, and natural resources;
109 promotion of rural economic activity; maintenance of the
110 viability of Florida's agricultural economy; and protection of
111 the character of rural areas of Florida. Rural land stewardship
112 areas may be multicounty in order to encourage coordinated
113 regional stewardship planning.
114 3. A local government, in conjunction with a regional
115 planning council, a stakeholder organization of private land

116 owners, or another local government, shall notify the department
117 in writing of its intent to designate a rural land stewardship
118 area. The written notification shall describe the basis for the
119 designation, including the extent to which the rural land
120 stewardship area enhances rural land values, controls urban
121 sprawl, provides necessary open space for agriculture and
122 protection of the natural environment, promotes rural economic
123 activity, and maintains rural character and the economic
124 viability of agriculture.
125 4. A rural land stewardship area shall be not less than
126 10,000 acres and shall be located outside of municipalities and
127 established urban growth boundaries, and shall be designated by
128 plan amendment. The plan amendment designating a rural land
129 stewardship area shall be subject to review by the Department of
130 Community Affairs pursuant to s. 163.3184 and shall provide for
131 the following:
132 a. Criteria for the designation of receiving areas within
133 rural land stewardship areas in which innovative planning and
134 development strategies may be applied. Criteria shall at a
135 minimum provide for the following: adequacy of suitable land to
136 accommodate development so as to avoid conflict with
137 environmentally sensitive areas, resources, and habitats;
138 compatibility between and transition from higher density uses to
139 lower intensity rural uses; the establishment of receiving area
140 service boundaries which provide for a separation between
141 receiving areas and other land uses within the rural land
142 stewardship area through limitations on the extension of
143 services; and connection of receiving areas with the rest of the
144 rural land stewardship area using rural design and rural road
145 corridors.

146 b. Goals, objectives, and policies setting forth the
147 innovative planning and development strategies to be applied
148 within rural land stewardship areas pursuant to the provisions
149 of this section.
150 c. A process for the implementation of innovative planning
151 and development strategies within the rural land stewardship
152 area, including those described in this subsection and rule 9J-
153 5.006(5)(l), Florida Administrative Code, which provide for a
154 functional mix of land uses, including adequate available
155 workforce housing, including low, very-low and moderate income
156 housing for the development anticipated in the receiving area
157 and which are applied through the adoption by the local
158 government of zoning and land development regulations applicable
159 to the rural land stewardship area.
160 d. A process which encourages visioning pursuant to s.
161 163.3167(11) to ensure that innovative planning and development
162 strategies comply with the provisions of this section.
163 e. The control of sprawl through the use of innovative
164 strategies and creative land use techniques consistent with the
165 provisions of this subsection and rule 9J-5.006(5)(l), Florida
166 Administrative Code.
167 5. A receiving area shall be designated by the adoption of
168 a land development regulation. Prior to the designation of a
169 receiving area, the local government shall provide the
170 Department of Community Affairs a period of 30 days in which to
171 review a proposed receiving area for consistency with the rural
172 land stewardship area plan amendment and to provide comments to
173 the local government. At the time of designation of a
174 stewardship receiving area, a listed species survey will be
175 performed. If listed species occur on the receiving area site,
176 the developer shall coordinate with each appropriate local,

177 state, or federal agency to determine if adequate provisions
178 have been made to protect those species in accordance with
179 applicable regulations. In determining the adequacy of
180 provisions for the protection of listed species and their
181 habitats, the rural land stewardship area shall be considered as
182 a whole, and the impacts to areas to be developed as receiving
183 areas shall be considered together with the environmental
184 benefits of areas protected as sending areas in fulfilling this
185 criteria.

186 6. Upon the adoption of a plan amendment creating a rural
187 land stewardship area, the local government shall, by ordinance,
188 establish the methodology for the creation, conveyance, and use
189 of transferable rural land use credits, otherwise referred to as
190 stewardship credits, the application of which shall not
191 constitute a right to develop land, nor increase density of
192 land, except as provided by this section. The total amount of
193 transferable rural land use credits within the rural land
194 stewardship area must enable the realization of the long-term
195 vision and goals for the 25-year or greater projected population
196 of the rural land stewardship area<u>, which may take into</u>
197 <u>consideration the anticipated effect of the proposed receiving</u>
198 <u>areas</u>. Transferable rural land use credits are subject to the
199 following limitations:

200 a. Transferable rural land use credits may only exist
201 within a rural land stewardship area.

202 b. Transferable rural land use credits may only be used on
203 lands designated as receiving areas and then solely for the
204 purpose of implementing innovative planning and development
205 strategies and creative land use planning techniques adopted by
206 the local government pursuant to this section.

207 c. Transferable rural land use credits assigned to a
208 parcel of land within a rural land stewardship area shall cease
209 to exist if the parcel of land is removed from the rural land
210 stewardship area by plan amendment.
211 d. Neither the creation of the rural land stewardship area
212 by plan amendment nor the assignment of transferable rural land
213 use credits by the local government shall operate to displace
214 the underlying density of land uses assigned to a parcel of land
215 within the rural land stewardship area; however, if transferable
216 rural land use credits are transferred from a parcel for use
217 within a designated receiving area, the underlying density
218 assigned to the parcel of land shall cease to exist.
219 e. The underlying density on each parcel of land located
220 within a rural land stewardship area shall not be increased or
221 decreased by the local government, except as a result of the
222 conveyance or use of transferable rural land use credits, as
223 long as the parcel remains within the rural land stewardship
224 area.
225 f. Transferable rural land use credits shall cease to
226 exist on a parcel of land where the underlying density assigned
227 to the parcel of land is utilized.
228 g. An increase in the density of use on a parcel of land
229 located within a designated receiving area may occur only
230 through the assignment or use of transferable rural land use
231 credits and shall not require a plan amendment.
232 h. A change in the density of land use on parcels located
233 within receiving areas shall be specified in a development order
234 which reflects the total number of transferable rural land use
235 credits assigned to the parcel of land and the infrastructure
236 and support services necessary to provide for a functional mix
237 of land uses corresponding to the plan of development.

238 i. Land within a rural land stewardship area may be
239 removed from the rural land stewardship area through a plan
240 amendment.
241 j. Transferable rural land use credits may be assigned at
242 different ratios of credits per acre according to the natural
243 resource or other beneficial use characteristics of the land and
244 according to the land use remaining following the transfer of
245 credits, with the highest number of credits per acre assigned to
246 the most environmentally valuable land or, in locations where
247 the retention of open space and agricultural land is a priority,
248 to such lands.
249 k. The use or conveyance of transferable rural land use
250 credits must be recorded in the public records of the county in
251 which the property is located as a covenant or restrictive
252 easement running with the land in favor of the county and either
253 the Department of Environmental Protection, Department of
254 Agriculture and Consumer Services, a water management district,
255 or a recognized statewide land trust.
256 7. Owners of land within rural land stewardship areas
257 should be provided incentives to enter into rural land
258 stewardship agreements, pursuant to existing law and rules
259 adopted thereto, with state agencies, water management
260 districts, and local governments to achieve mutually agreed upon
261 conservation objectives. Such incentives may include, but not be
262 limited to, the following:
263 a. Opportunity to accumulate transferable mitigation
264 credits.
265 b. Extended permit agreements.
266 c. Opportunities for recreational leases and ecotourism.

267 d. Payment for specified land management services on
268 publicly owned land, or property under covenant or restricted
269 easement in favor of a public entity.
270 e. Option agreements for sale to public entities or
271 private land conservation entities, in either fee or easement,
272 upon achievement of conservation objectives.
273 8. The department shall report to the Legislature on an
274 annual basis on the results of implementation of rural land
275 stewardship areas authorized by the department, including
276 successes and failures in achieving the intent of the
277 Legislature as expressed in this paragraph.
278 Section 2. Paragraph (a) of subsection (12) of section
279 163.3180, Florida Statutes, is amended to read:
280 163.3180 Concurrency.--
281 (12) When authorized by a local comprehensive plan, a
282 multiuse development of regional impact may satisfy the
283 transportation concurrency requirements of the local
284 comprehensive plan, the local government's concurrency
285 management system, and s. 380.06 by payment of a proportionate-
286 share contribution for local and regionally significant traffic
287 impacts, if:
288 (a) The development of regional impact meets or exceeds
289 the guidelines and standards of s. 380.0651(3)(h) ~~(i)~~ and rule
290 28-24.032(2), Florida Administrative Code, and includes a
291 residential component that contains at least 100 residential
292 dwelling units or 15 percent of the applicable residential
293 guideline and standard, whichever is greater;
294
295 The proportionate-share contribution may be applied to any
296 transportation facility to satisfy the provisions of this
297 subsection and the local comprehensive plan, but, for the

298 purposes of this subsection, the amount of the proportionate-
299 share contribution shall be calculated based upon the cumulative
300 number of trips from the proposed development expected to reach
301 roadways during the peak hour from the complete buildout of a
302 stage or phase being approved, divided by the change in the peak
303 hour maximum service volume of roadways resulting from
304 construction of an improvement necessary to maintain the adopted
305 level of service, multiplied by the construction cost, at the
306 time of developer payment, of the improvement necessary to
307 maintain the adopted level of service. For purposes of this
308 subsection, "construction cost" includes all associated costs of
309 the improvement.
310 Section 3. Subsection (3) of section 197.303, Florida
311 Statutes, is amended to read:
312 197.303 Ad valorem tax deferral for recreational and
313 commercial working waterfront properties.--
314 (3) The ordinance shall designate the percentage or amount
315 of the deferral and the type and location of working waterfront
316 property, including the type of public lodging establishments,
317 for which deferrals may be granted, which may include any
318 property meeting the provisions of s. 342.07(2), which property
319 may be further required to be located within a particular
320 geographic area or areas of the county or municipality.
321 Section 4. Section 342.07, Florida Statutes, is amended to
322 read:
323 342.07 Recreational and commercial working waterfronts;
324 legislative findings; definitions.--
325 (1) The Legislature recognizes that there is an important
326 state interest in facilitating boating and other recreational
327 access to the state's navigable waters. This access is vital to
328 tourists and recreational users and the marine industry in the

329 state, to maintaining or enhancing the $57 billion economic
330 impact of tourism and the $14 billion economic impact of boating
331 in the state annually, and to ensuring continued access to all
332 residents and visitors to the navigable waters of the state. The
333 Legislature recognizes that there is an important state interest
334 in maintaining viable water-dependent support facilities, such
335 as public lodging establishments and boat hauling and repairing
336 and commercial fishing facilities, and in maintaining the
337 availability of public access to the navigable waters of the
338 state. The Legislature further recognizes that the waterways of
339 the state are important for engaging in commerce and the
340 transportation of goods and people upon such waterways and that
341 such commerce and transportation is not feasible unless there is
342 access to and from the navigable waters of the state through
343 recreational and commercial working waterfronts.
344 (2) As used in this section, the term "recreational and
345 commercial working waterfront" means a parcel or parcels of real
346 property that provide access for water-dependent commercial and
347 recreational activities, including public lodging establishments
348 as defined in chapter 509, or provide access for the public to
349 the navigable waters of the state. Recreational and commercial
350 working waterfronts require direct access to or a location on,
351 over, or adjacent to a navigable body of water. The term
352 includes water-dependent facilities that are open to the public
353 and offer public access by vessels to the waters of the state or
354 that are support facilities for recreational, commercial,
355 research, or governmental vessels. These facilities include
356 public lodging establishments, docks, wharfs, lifts, wet and dry
357 marinas, boat ramps, boat hauling and repair facilities,
358 commercial fishing facilities, boat construction facilities, and
359 other support structures over the water. As used in this

360 section, the term "vessel" has the same meaning as in s.
361 327.02(37). Seaports are excluded from the definition.
362 Section 5. Section 373.4132, Florida Statutes, is created
363 to read:
364 373.4132 Dry storage facility permitting.--The governing
365 board or the department shall require a permit under this part,
366 including s. 373.4145, for the construction, alteration,
367 operation, maintenance, abandonment, or removal of a dry storage
368 facility for 10 or more vessels that is functionally associated
369 with a boat launching area. As part of an applicant's
370 demonstration that such a facility will not be harmful to the
371 water resources and will not be inconsistent with the overall
372 objectives of the district, the governing board or department
373 shall require the applicant to provide reasonable assurance that
374 the secondary impacts from the facility will not cause adverse
375 impacts to the functions of wetlands and surface waters,
376 including violations of state water quality standards applicable
377 to waters as defined in s. 403.031(13), and will meet the public
378 interest test of s. 373.414(1)(a), including the potential
379 adverse impacts to manatees. Nothing in this section shall
380 affect the authority of the governing board or the department to
381 regulate such secondary impacts under this part for other
382 regulated activities.
383 Section 6. Paragraph (d) of subsection (2), paragraphs (a)
384 and (i) of subsection (4), and subsections (15), (19), and (24)
385 of section 380.06, Florida Statutes, are amended, and subsection
386 (28) is added to that section, to read:
387 380.06 Developments of regional impact.--
388 (2) STATEWIDE GUIDELINES AND STANDARDS.--
389 (d) The guidelines and standards shall be applied as
390 follows:

391 1. Fixed thresholds.--
392 a. A development that is below 100 percent of all
393 numerical thresholds in the guidelines and standards shall not
394 be required to undergo development-of-regional-impact review.
395 b. A development that is at or above 120 percent of any
396 numerical threshold shall be required to undergo development-of-
397 regional-impact review.
398 c. Projects certified under s. 403.973 which create at
399 least 100 jobs and meet the criteria of the Office of Tourism,
400 Trade, and Economic Development as to their impact on an area's
401 economy, employment, and prevailing wage and skill levels that
402 are at or below 100 percent of the numerical thresholds for
403 industrial plants, industrial parks, distribution, warehousing
404 or wholesaling facilities, office development or multiuse
405 projects other than residential, as described in s.
406 380.0651(3)(c), (d), and (h) ~~(i)~~, are not required to undergo
407 development-of-regional-impact review.
408 2. Rebuttable presumption.--It shall be presumed that a
409 development that is at 100 percent or between 100 and 120
410 percent of a numerical threshold shall be required to undergo
411 development-of-regional-impact review.
412 (4) BINDING LETTER.--
413 (a) If any developer is in doubt whether his or her
414 proposed development must undergo development-of-regional-impact
415 review under the guidelines and standards, whether his or her
416 rights have vested pursuant to subsection (20), or whether a
417 proposed substantial change to a development of regional impact
418 concerning which rights had previously vested pursuant to
419 subsection (20) would divest such rights, the developer may
420 request a determination from the state land planning agency. The
421 developer or the appropriate local government having

422 jurisdiction may request that the state land planning agency
423 determine whether the amount of development that remains to be
424 built in an approved development of regional impact meets the
425 criteria of subparagraph (15)(g)3.
426 (i) In response to an inquiry from a developer or the
427 appropriate local government having jurisdiction, the state land
428 planning agency may issue an informal determination in the form
429 of a clearance letter as to whether a development is required to
430 undergo development-of-regional-impact review or whether the
431 amount of development that remains to be built in an approved
432 development of regional impact meets the criteria of
433 subparagraph (15)(g)3. A clearance letter may be based solely on
434 the information provided by the developer, and the state land
435 planning agency is not required to conduct an investigation of
436 that information. If any material information provided by the
437 developer is incomplete or inaccurate, the clearance letter is
438 not binding upon the state land planning agency. A clearance
439 letter does not constitute final agency action.
440 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--
441 (a) The appropriate local government shall render a
442 decision on the application within 30 days after the hearing
443 unless an extension is requested by the developer.
444 (b) When possible, local governments shall issue
445 development orders concurrently with any other local permits or
446 development approvals that may be applicable to the proposed
447 development.
448 (c) The development order shall include findings of fact
449 and conclusions of law consistent with subsections (13) and
450 (14). The development order:

451 1. Shall specify the monitoring procedures and the local
452 official responsible for assuring compliance by the developer
453 with the development order.
454 2. Shall establish compliance dates for the development
455 order, including a deadline for commencing physical development
456 and for compliance with conditions of approval or phasing
457 requirements, and shall include a buildout ~~termination~~ date that
458 reasonably reflects the time anticipated ~~required~~ to complete
459 the development.
460 3. Shall establish a date until which the local government
461 agrees that the approved development of regional impact shall
462 not be subject to downzoning, unit density reduction, or
463 intensity reduction, unless the local government can demonstrate
464 that substantial changes in the conditions underlying the
465 approval of the development order have occurred or the
466 development order was based on substantially inaccurate
467 information provided by the developer or that the change is
468 clearly established by local government to be essential to the
469 public health, safety, or welfare. The date established pursuant
470 to this subparagraph shall be no sooner than the buildout date
471 of the project.
472 4. Shall specify the requirements for the biennial report
473 designated under subsection (18), including the date of
474 submission, parties to whom the report is submitted, and
475 contents of the report, based upon the rules adopted by the
476 state land planning agency. Such rules shall specify the scope
477 of any additional local requirements that may be necessary for
478 the report.
479 5. May specify the types of changes to the development
480 which shall require submission for a substantial deviation

481 determination or a notice of proposed change under subsection
482 (19).
483 6. Shall include a legal description of the property.
484 (d) Conditions of a development order that require a
485 developer to contribute land for a public facility or construct,
486 expand, or pay for land acquisition or construction or expansion
487 of a public facility, or portion thereof, shall meet the
488 following criteria:
489 1. The need to construct new facilities or add to the
490 present system of public facilities must be reasonably
491 attributable to the proposed development.
492 2. Any contribution of funds, land, or public facilities
493 required from the developer shall be comparable to the amount of
494 funds, land, or public facilities that the state or the local
495 government would reasonably expect to expend or provide, based
496 on projected costs of comparable projects, to mitigate the
497 impacts reasonably attributable to the proposed development.
498 3. Any funds or lands contributed must be expressly
499 designated and used to mitigate impacts reasonably attributable
500 to the proposed development.
501 4. Construction or expansion of a public facility by a
502 nongovernmental developer as a condition of a development order
503 to mitigate the impacts reasonably attributable to the proposed
504 development is not subject to competitive bidding or competitive
505 negotiation for selection of a contractor or design professional
506 for any part of the construction or design ~~unless required by~~
507 ~~the local government that issues the development order~~.
508 (e)1. ~~Effective July 1, 1986,~~ A local government shall not
509 include, as a development order condition for a development of
510 regional impact, any requirement that a developer contribute or
511 pay for land acquisition or construction or expansion of public

512 facilities or portions thereof unless the local government has
513 enacted a local ordinance which requires other development not
514 subject to this section to contribute its proportionate share of
515 the funds, land, or public facilities necessary to accommodate
516 any impacts having a rational nexus to the proposed development,
517 and the need to construct new facilities or add to the present
518 system of public facilities must be reasonably attributable to
519 the proposed development.
520 2. A local government shall not approve a development of
521 regional impact that does not make adequate provision for the
522 public facilities needed to accommodate the impacts of the
523 proposed development unless the local government includes in the
524 development order a commitment by the local government to
525 provide these facilities consistently with the development
526 schedule approved in the development order; however, a local
527 government's failure to meet the requirements of subparagraph 1.
528 and this subparagraph shall not preclude the issuance of a
529 development order where adequate provision is made by the
530 developer for the public facilities needed to accommodate the
531 impacts of the proposed development. Any funds or lands
532 contributed by a developer must be expressly designated and used
533 to accommodate impacts reasonably attributable to the proposed
534 development.
535 3. The Department of Community Affairs and other state and
536 regional agencies involved in the administration and
537 implementation of this act shall cooperate and work with units
538 of local government in preparing and adopting local impact fee
539 and other contribution ordinances.
540 (f) Notice of the adoption of a development order or the
541 subsequent amendments to an adopted development order shall be
542 recorded by the developer, in accordance with s. 28.222, with

543 the clerk of the circuit court for each county in which the
544 development is located. The notice shall include a legal
545 description of the property covered by the order and shall state
546 which unit of local government adopted the development order,
547 the date of adoption, the date of adoption of any amendments to
548 the development order, the location where the adopted order with
549 any amendments may be examined, and that the development order
550 constitutes a land development regulation applicable to the
551 property. The recording of this notice shall not constitute a
552 lien, cloud, or encumbrance on real property, or actual or
553 constructive notice of any such lien, cloud, or encumbrance.
554 This paragraph applies only to developments initially approved
555 under this section after July 1, 1980.
556 (g) A local government shall not issue permits for
557 development subsequent to the buildout ~~termination date or~~
558 ~~expiration~~ date contained in the development order unless:
559 1. The proposed development has been evaluated
560 cumulatively with existing development under the substantial
561 deviation provisions of subsection (19) subsequent to the
562 termination or expiration date;
563 2. The proposed development is consistent with an
564 abandonment of development order that has been issued in
565 accordance with the provisions of subsection (26); ~~or~~
566 3. The development of regional impact is essentially built
567 out, in that all the mitigation requirements in the development
568 order have been satisfied, all developers are in compliance with
569 all applicable terms and conditions of the development order
570 except the buildout date, and the amount of proposed development
571 that remains to be built is less than 20 percent of any
572 applicable development-of-regional-impact threshold; or

573 4.~~3.~~ The project has been determined to be an essentially
574 built-out development of regional impact through an agreement
575 executed by the developer, the state land planning agency, and
576 the local government, in accordance with s. 380.032, which will
577 establish the terms and conditions under which the development
578 may be continued. If the project is determined to be essentially
579 built out ~~built-out~~, development may proceed pursuant to the s.
580 380.032 agreement after the termination or expiration date
581 contained in the development order without further development-
582 of-regional-impact review subject to the local government
583 comprehensive plan and land development regulations or subject
584 to a modified development-of-regional-impact analysis. As used
585 in this paragraph, an "essentially built-out" development of
586 regional impact means:
587 a. The developers are ~~development is~~ in compliance with
588 all applicable terms and conditions of the development order
589 except the buildout ~~built out~~ date; and
590 b.(I) The amount of development that remains to be built
591 is less than the substantial deviation threshold specified in
592 paragraph (19)(b) for each individual land use category, or, for
593 a multiuse development, the sum total of all unbuilt land uses
594 as a percentage of the applicable substantial deviation
595 threshold is equal to or less than 100 percent; or
596 (II) The state land planning agency and the local
597 government have agreed in writing that the amount of development
598 to be built does not create the likelihood of any additional
599 regional impact not previously reviewed.
600
601 The single-family residential portions of a development may be
602 considered "essentially built out" if all of the workforce
603 housing obligations and all of the infrastructure and horizontal

604 development have been completed, at least 50 percent of the
605 dwelling units have been completed, and more than 80 percent of
606 the lots have been conveyed to third-party individual lot owners
607 or to individual builders who own no more than 40 lots at the
608 time of the determination. The mobile home park portions of a
609 development may be considered "essentially built out" if all the
610 infrastructure and horizontal development has been completed,
611 and at least 50 percent of the lots are leased to individual
612 mobile home owners.
613 (h) If the property is annexed by another local
614 jurisdiction, the annexing jurisdiction shall adopt a new
615 development order that incorporates all previous rights and
616 obligations specified in the prior development order.
617 (19) SUBSTANTIAL DEVIATIONS.--
618 (a) Any proposed change to a previously approved
619 development which creates a reasonable likelihood of additional
620 regional impact, or any type of regional impact created by the
621 change not previously reviewed by the regional planning agency,
622 shall constitute a substantial deviation and shall cause the
623 proposed change ~~development~~ to be subject to further
624 development-of-regional-impact review. There are a variety of
625 reasons why a developer may wish to propose changes to an
626 approved development of regional impact, including changed
627 market conditions. The procedures set forth in this subsection
628 are for that purpose.
629 (b) Any proposed change to a previously approved
630 development of regional impact or development order condition
631 which, either individually or cumulatively with other changes,
632 exceeds any of the following criteria shall constitute a
633 substantial deviation and shall cause the development to be

634 subject to further development-of-regional-impact review without
635 the necessity for a finding of same by the local government:
636 1. An increase in the number of parking spaces at an
637 attraction or recreational facility by 10 ~~5~~ percent or 330 ~~300~~
638 spaces, whichever is greater, or an increase in the number of
639 spectators that may be accommodated at such a facility by 10 ~~5~~
640 percent or 1,100 ~~1,000~~ spectators, whichever is greater.
641 2. A new runway, a new terminal facility, a 25-percent
642 lengthening of an existing runway, or a 25-percent increase in
643 the number of gates of an existing terminal, but only if the
644 increase adds at least three additional gates.
645 ~~3. An increase in the number of hospital beds by 5 percent~~
646 ~~or 60 beds, whichever is greater.~~
647 3.~~4.~~ An increase in industrial development area by 10 ~~5~~
648 percent or 35 ~~32~~ acres, whichever is greater.
649 4.~~5.~~ An increase in the average annual acreage mined by 10
650 ~~5~~ percent or 11 ~~10~~ acres, whichever is greater, or an increase
651 in the average daily water consumption by a mining operation by
652 10 ~~5~~ percent or 330,000 ~~300,000~~ gallons, whichever is greater. A
653 net ~~An~~ increase in the size of the mine by 10 ~~5~~ percent or 825
654 ~~750~~ acres, whichever is less. For purposes of calculating any
655 net increases in size, only additions and deletions of lands
656 that have not been mined shall be considered. An increase in the
657 size of a heavy mineral mine as defined in s. 378.403(7) will
658 only constitute a substantial deviation if the average annual
659 acreage mined is more than 550 ~~500~~ acres and consumes more than
660 3.3 ~~3~~ million gallons of water per day.
661 5.~~6.~~ An increase in land area for office development by 10
662 ~~5~~ percent or an increase of gross floor area of office
663 development by 10 ~~5~~ percent or 66,000 ~~60,000~~ gross square feet,
664 whichever is greater.

665 ~~7. An increase in the storage capacity for chemical or~~
666 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or 7~~
667 ~~million pounds, whichever is greater.~~
668 ~~8. An increase of development at a waterport of wet~~
669 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~
670 ~~wet/dry storage for 60 watercraft in an area identified in the~~
671 ~~state marina siting plan as an appropriate site for additional~~
672 ~~waterport development or a 5 percent increase in watercraft~~
673 ~~storage capacity, whichever is greater.~~
674 6.~~9.~~ An increase in the number of dwelling units by 10 ~~5~~
675 percent or 55 ~~50~~ dwelling units, whichever is greater.
676 7. An increase in the number of dwelling units by 50
677 percent or 200 units, whichever is greater, provided that 15
678 percent of the proposed additional dwelling units are dedicated
679 to affordable workforce housing, subject to a recorded land use
680 restriction that shall be for a period of not less than 20 years
681 and that includes resale provisions to ensure long-term
682 affordability for income-eligible homeowners and renters and
683 provisions for the workforce housing to be commenced prior to
684 the completion of 50 percent of the market rate dwelling. For
685 purposes of this subparagraph, the term "affordable workforce
686 housing" means housing that is affordable to a person who earns
687 less than 120 percent of the area median income, or less than
688 140 percent of the area median income if located in a county in
689 which the median purchase price for a single-family existing
690 home exceeds the statewide median purchase price of a single-
691 family existing home. For purposes of this subparagraph, the
692 term "statewide median purchase price of a single-family
693 existing home" means the statewide purchase price as determined
694 in the Florida Sales Report, Single-Family Existing Homes,

695 released each January by the Florida Association of Realtors and
696 the University of Florida Real Estate Research Center.
697 8.~~10.~~ An increase in commercial development by 55,000
698 ~~50,000~~ square feet of gross floor area or of parking spaces
699 provided for customers for 330 ~~300~~ cars or a 10-percent ~~5-~~
700 ~~percent~~ increase of either of these, whichever is greater.
701 9.~~11.~~ An increase in hotel or motel rooms ~~facility units~~
702 by 10 ~~5~~ percent or 83 rooms ~~75 units~~, whichever is greater.
703 10.~~12.~~ An increase in a recreational vehicle park area by
704 10 ~~5~~ percent or 110 ~~100~~ vehicle spaces, whichever is less.
705 11.~~13.~~ A decrease in the area set aside for open space of
706 5 percent or 20 acres, whichever is less.
707 12.~~14.~~ A proposed increase to an approved multiuse
708 development of regional impact where the sum of the increases of
709 each land use as a percentage of the applicable substantial
710 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The
711 percentage of any decrease in the amount of open space shall be
712 treated as an increase for purposes of determining when 110 ~~100~~
713 percent has been reached or exceeded.
714 13.~~15.~~ A 15-percent increase in the number of external
715 vehicle trips generated by the development above that which was
716 projected during the original development-of-regional-impact
717 review.
718 14.~~16.~~ Any change which would result in development of any
719 area which was specifically set aside in the application for
720 development approval or in the development order for
721 preservation or special protection of endangered or threatened
722 plants or animals designated as endangered, threatened, or
723 species of special concern and their habitat, any species
724 protected by 16 U.S.C. s. 668a-668d, primary dunes, or
725 archaeological and historical sites designated as significant by

726 the Division of Historical Resources of the Department of State.
727 The ~~further~~ refinement of the boundaries and configuration of
728 such areas ~~by survey~~ shall be considered under sub-subparagraph
729 (e)2.j. ~~(e)5.b.~~
730
731 The substantial deviation numerical standards in subparagraphs
732 3., 5., 8., 9., and 12. ~~4., 6., 10., 14.~~, excluding residential
733 uses, and in subparagraph 13. ~~15.,~~ are increased by 100 percent
734 for a project certified under s. 403.973 which creates jobs and
735 meets criteria established by the Office of Tourism, Trade, and
736 Economic Development as to its impact on an area's economy,
737 employment, and prevailing wage and skill levels. The
738 substantial deviation numerical standards in subparagraphs 3.,
739 5., 6., 7., 8., 9., 12., and 13. ~~4., 6., 9., 10., 11., and 14.~~
740 are increased by 50 percent for a project located wholly within
741 an urban infill and redevelopment area designated on the
742 applicable adopted local comprehensive plan future land use map
743 and not located within the coastal high hazard area.
744 (c) An extension of the date of buildout of a development,
745 or any phase thereof, by more than 7 ~~or more~~ years shall be
746 presumed to create a substantial deviation subject to further
747 development-of-regional-impact review. An extension of the date
748 of buildout, or any phase thereof, of more than 5 years ~~or more~~
749 but not more ~~less~~ than 7 years shall be presumed not to create a
750 substantial deviation. The extension of the date of buildout of
751 an areawide development of regional impact by more than 5 years
752 but less than 10 years is presumed not to create a substantial
753 deviation. These presumptions may be rebutted by clear and
754 convincing evidence at the public hearing held by the local
755 government. An extension of 5 years or less ~~than 5 years~~ is not
756 a substantial deviation. For the purpose of calculating when a

757 buildout or~~,~~ phase~~, or termination~~ date has been exceeded, the
758 time shall be tolled during the pendency of administrative or
759 judicial proceedings relating to development permits. Any
760 extension of the buildout date of a project or a phase thereof
761 shall automatically extend the commencement date of the project,
762 the termination date of the development order, the expiration
763 date of the development of regional impact, and the phases
764 thereof if applicable by a like period of time.
765 (d) A change in the plan of development of an approved
766 development of regional impact resulting from requirements
767 imposed by the Department of Environmental Protection or any
768 water management district created by s. 373.069 or any of their
769 successor agencies or by any appropriate federal regulatory
770 agency shall be submitted to the local government pursuant to
771 this subsection. The change shall be presumed not to create a
772 substantial deviation subject to further development-of-
773 regional-impact review. The presumption may be rebutted by clear
774 and convincing evidence at the public hearing held by the local
775 government.
776 (e)1. Except for a development order rendered pursuant to
777 subsection (22) or subsection (25), a proposed change to a
778 development order that individually or cumulatively with any
779 previous change is less than any numerical criterion contained
780 in subparagraphs (b)1.-13. ~~(b)1. 15.~~ and does not exceed any
781 other criterion, or that involves an extension of the buildout
782 date of a development, or any phase thereof, of less than 5
783 years is not subject to the public hearing requirements of
784 subparagraph (f)3., and is not subject to a determination
785 pursuant to subparagraph (f)5. Notice of the proposed change
786 shall be made to the regional planning council and the state
787 land planning agency. Such notice shall include a description of

788 previous individual changes made to the development, including
789 changes previously approved by the local government, and shall
790 include appropriate amendments to the development order.
791 2. The following changes, individually or cumulatively
792 with any previous changes, are not substantial deviations:
793 a. Changes in the name of the project, developer, owner,
794 or monitoring official.
795 b. Changes to a setback that do not affect noise buffers,
796 environmental protection or mitigation areas, or archaeological
797 or historical resources.
798 c. Changes to minimum lot sizes.
799 d. Changes in the configuration of internal roads that do
800 not affect external access points.
801 e. Changes to the building design or orientation that stay
802 approximately within the approved area designated for such
803 building and parking lot, and which do not affect historical
804 buildings designated as significant by the Division of
805 Historical Resources of the Department of State.
806 f. Changes to increase the acreage in the development,
807 provided that no development is proposed on the acreage to be
808 added.
809 g. Changes to eliminate an approved land use, provided
810 that there are no additional regional impacts.
811 h. Changes required to conform to permits approved by any
812 federal, state, or regional permitting agency, provided that
813 these changes do not create additional regional impacts.
814 i. Any renovation or redevelopment of development within a
815 previously approved development of regional impact which does
816 not change land use or increase density or intensity of use.
817 <u>j. Changes that modify boundaries and configuration of</u>
818 <u>areas described in subparagraph (b)14. due to science-based</u>

819 refinement of such areas by survey, by habitat evaluation, by
820 other recognized assessment methodology, or by an environmental
821 assessment. In order for changes to qualify under this sub-
822 subparagraph, the survey, habitat evaluation, or assessment must
823 occur prior to the time a conservation easement protecting such
824 lands is recorded and must not result in any net decrease in the
825 total acreage of the lands specifically set aside for permanent
826 preservation in the final development order.
827 k.~~j.~~ Any other change which the state land planning
828 agency, in consultation with the regional planning council,
829 agrees in writing is similar in nature, impact, or character to
830 the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and
831 which does not create the likelihood of any additional regional
832 impact.
833
834 This subsection does not require the filing of a notice of
835 proposed change but shall require an application to the local
836 government to amend the development order in accordance with the
837 local government's procedures for amendment of a development
838 order. In accordance with the local government's procedures,
839 including requirements for notice to the applicant and the
840 public, the local government shall either deny the application
841 for amendment or adopt an amendment to the development order
842 which approves the application with or without conditions.
843 Following adoption, the local government shall render to the
844 state land planning agency the amendment to the development
845 order. The state land planning agency may appeal, pursuant to s.
846 380.07(3), the amendment to the development order if the
847 amendment involves sub-subparagraph g., sub-subparagraph h.,
848 sub-subparagraph j., or sub-subparagraph k. and it believes the
849 change creates a reasonable likelihood of new or additional

850 regional impacts ~~a development order amendment for any change~~
851 ~~listed in sub-subparagraphs a.-j. unless such issue is addressed~~
852 ~~either in the existing development order or in the application~~
853 ~~for development approval, but, in the case of the application,~~
854 ~~only if, and in the manner in which, the application is~~
855 ~~incorporated in the development order~~.
856 3. Except for the change authorized by sub-subparagraph
857 2.f., any addition of land not previously reviewed or any change
858 not specified in paragraph (b) or paragraph (c) shall be
859 presumed to create a substantial deviation. This presumption may
860 be rebutted by clear and convincing evidence.
861 4. Any submittal of a proposed change to a previously
862 approved development shall include a description of individual
863 changes previously made to the development, including changes
864 previously approved by the local government. The local
865 government shall consider the previous and current proposed
866 changes in deciding whether such changes cumulatively constitute
867 a substantial deviation requiring further development-of-
868 regional-impact review.
869 5. The following changes to an approved development of
870 regional impact shall be presumed to create a substantial
871 deviation. Such presumption may be rebutted by clear and
872 convincing evidence.
873 a. A change proposed for 15 percent or more of the acreage
874 to a land use not previously approved in the development order.
875 Changes of less than 15 percent shall be presumed not to create
876 a substantial deviation.
877 ~~b. Except for the types of uses listed in subparagraph~~
878 ~~(b)16., any change which would result in the development of any~~
879 ~~area which was specifically set aside in the application for~~
880 ~~development approval or in the development order for~~

881 ~~preservation, buffers, or special protection, including habitat~~
882 ~~for plant and animal species, archaeological and historical~~
883 ~~sites, dunes, and other special areas.~~
884 b.~~c.~~ Notwithstanding any provision of paragraph (b) to the
885 contrary, a proposed change consisting of simultaneous increases
886 and decreases of at least two of the uses within an authorized
887 multiuse development of regional impact which was originally
888 approved with three or more uses specified in s. 380.0651(3)(c),
889 (d), (e)~~(f)~~, and (f)~~(g)~~ and residential use.
890 (f)1. The state land planning agency shall establish by
891 rule standard forms for submittal of proposed changes to a
892 previously approved development of regional impact which may
893 require further development-of-regional-impact review. At a
894 minimum, the standard form shall require the developer to
895 provide the precise language that the developer proposes to
896 delete or add as an amendment to the development order.
897 2. The developer shall submit, simultaneously, to the
898 local government, the regional planning agency, and the state
899 land planning agency the request for approval of a proposed
900 change.
901 3. No sooner than 30 days but no later than 45 days after
902 submittal by the developer to the local government, the state
903 land planning agency, and the appropriate regional planning
904 agency, the local government shall give 15 days' notice and
905 schedule a public hearing to consider the change that the
906 developer asserts does not create a substantial deviation. This
907 public hearing shall be held within 60 ~~90~~ days after submittal
908 of the proposed changes, unless that time is extended by the
909 developer.
910 4. The appropriate regional planning agency or the state
911 land planning agency shall review the proposed change and, no

912 later than 45 days after submittal by the developer of the
913 proposed change, unless that time is extended by the developer,
914 and prior to the public hearing at which the proposed change is
915 to be considered, shall advise the local government in writing
916 whether it objects to the proposed change, shall specify the
917 reasons for its objection, if any, and shall provide a copy to
918 the developer.

919 5. At the public hearing, the local government shall
920 determine whether the proposed change requires further
921 development-of-regional-impact review. The provisions of
922 paragraphs (a) and (e), the thresholds set forth in paragraph
923 (b), and the presumptions set forth in paragraphs (c) and (d)
924 and subparagraph (e)3. shall be applicable in determining
925 whether further development-of-regional-impact review is
926 required.

927 6. If the local government determines that the proposed
928 change does not require further development-of-regional-impact
929 review and is otherwise approved, or if the proposed change is
930 not subject to a hearing and determination pursuant to
931 subparagraphs 3. and 5. and is otherwise approved, the local
932 government shall issue an amendment to the development order
933 incorporating the approved change and conditions of approval
934 relating to the change. <u>The requirement that a change be</u>
935 <u>otherwise approved shall not be construed to require additional</u>
936 <u>local review or approval if the change is allowed by applicable</u>
937 <u>local ordinances without further local review or approval.</u> The
938 decision of the local government to approve, with or without
939 conditions, or to deny the proposed change that the developer
940 asserts does not require further review shall be subject to the
941 appeal provisions of s. 380.07. However, the state land planning
942 agency may not appeal the local government decision if it did

943 not comply with subparagraph 4. The state land planning agency
944 may not appeal a change to a development order made pursuant to
945 subparagraph (e)1. or subparagraph (e)2. for developments of
946 regional impact approved after January 1, 1980, unless the
947 change would result in a significant impact to a regionally
948 significant archaeological, historical, or natural resource not
949 previously identified in the original development-of-regional-
950 impact review.
951 (g) If a proposed change requires further development-of-
952 regional-impact review pursuant to this section, the review
953 shall be conducted subject to the following additional
954 conditions:
955 1. The development-of-regional-impact review conducted by
956 the appropriate regional planning agency shall address only
957 those issues raised by the proposed change except as provided in
958 subparagraph 2.
959 2. The regional planning agency shall consider, and the
960 local government shall determine whether to approve, approve
961 with conditions, or deny the proposed change as it relates to
962 the entire development. If the local government determines that
963 the proposed change, as it relates to the entire development, is
964 unacceptable, the local government shall deny the change.
965 3. If the local government determines that the proposed
966 change~~, as it relates to the entire development,~~ should be
967 approved, any new conditions in the amendment to the development
968 order issued by the local government shall address only those
969 issues raised by the proposed change <u>and require mitigation only</u>
970 <u>for the individual and cumulative impacts of the proposed</u>
971 <u>change</u>.
972 4. Development within the previously approved development
973 of regional impact may continue, as approved, during the

974 development-of-regional-impact review in those portions of the
975 development which are not directly affected by the proposed
976 change.
977 (h) When further development-of-regional-impact review is
978 required because a substantial deviation has been determined or
979 admitted by the developer, the amendment to the development
980 order issued by the local government shall be consistent with
981 the requirements of subsection (15) and shall be subject to the
982 hearing and appeal provisions of s. 380.07. The state land
983 planning agency or the appropriate regional planning agency need
984 not participate at the local hearing in order to appeal a local
985 government development order issued pursuant to this paragraph.
986 (i) An increase in the number of residential dwelling
987 units shall not constitute a substantial deviation and shall not
988 be subject to development-of-regional-impact review for
989 additional impacts provided that all the residential dwelling
990 units are dedicated to affordable workforce housing, subject to
991 a recorded land use restriction that shall be for a period of
992 not less than 20 years and that includes resale provisions to
993 ensure long-term affordability for income-eligible homeowners
994 and renters. For purposes of this paragraph, the term
995 "affordable workforce housing" means housing that is affordable
996 to a person who earns less than 120 percent of the area median
997 income, or less than 140 percent of the area median income if
998 located in a county in which the median purchase price for a
999 single-family existing home exceeds the statewide median
1000 purchase price of a single-family existing home. For purposes of
1001 this paragraph, the term "statewide median purchase price of a
1002 single-family existing home" means the statewide purchase price
1003 as determined in the Florida Sales Report, Single-Family
1004 Existing Homes, released each January by the Florida Association

1005 of Realtors and the University of Florida Real Estate Research
1006 Center.
1007 (24) STATUTORY EXEMPTIONS.--
1008 (a) Any proposed hospital ~~which has a designed capacity of~~
1009 ~~not more than 100 beds~~ is exempt from the provisions of this
1010 section.
1011 (b) Any proposed electrical transmission line or
1012 electrical power plant is exempt from the provisions of this
1013 section~~, except any steam or solar electrical generating~~
1014 ~~facility of less than 50 megawatts in capacity attached to a~~
1015 ~~development of regional impact~~.
1016 (c) Any proposed addition to an existing sports facility
1017 complex is exempt from the provisions of this section if the
1018 addition meets the following characteristics:
1019 1. It would not operate concurrently with the scheduled
1020 hours of operation of the existing facility.
1021 2. Its seating capacity would be no more than 75 percent
1022 of the capacity of the existing facility.
1023 3. The sports facility complex property is owned by a
1024 public body prior to July 1, 1983.
1025
1026 This exemption does not apply to any pari-mutuel facility.
1027 (d) Any proposed addition or cumulative additions
1028 subsequent to July 1, 1988, to an existing sports facility
1029 complex owned by a state university is exempt if the increased
1030 seating capacity of the complex is no more than 30 percent of
1031 the capacity of the existing facility.
1032 (e) Any addition of permanent seats or parking spaces for
1033 an existing sports facility located on property owned by a
1034 public body prior to July 1, 1973, is exempt from the provisions
1035 of this section if future additions do not expand existing

1036 permanent seating or parking capacity more than 15 percent
1037 annually in excess of the prior year's capacity.
1038 (f) Any increase in the seating capacity of an existing
1039 sports facility having a permanent seating capacity of at least
1040 50,000 spectators is exempt from the provisions of this section,
1041 provided that such an increase does not increase permanent
1042 seating capacity by more than 5 percent per year and not to
1043 exceed a total of 10 percent in any 5-year period, and provided
1044 that the sports facility notifies the appropriate local
1045 government within which the facility is located of the increase
1046 at least 6 months prior to the initial use of the increased
1047 seating, in order to permit the appropriate local government to
1048 develop a traffic management plan for the traffic generated by
1049 the increase. Any traffic management plan shall be consistent
1050 with the local comprehensive plan, the regional policy plan, and
1051 the state comprehensive plan.
1052 (g) Any expansion in the permanent seating capacity or
1053 additional improved parking facilities of an existing sports
1054 facility is exempt from the provisions of this section, if the
1055 following conditions exist:
1056 1.a. The sports facility had a permanent seating capacity
1057 on January 1, 1991, of at least 41,000 spectator seats;
1058 b. The sum of such expansions in permanent seating
1059 capacity does not exceed a total of 10 percent in any 5-year
1060 period and does not exceed a cumulative total of 20 percent for
1061 any such expansions; or
1062 c. The increase in additional improved parking facilities
1063 is a one-time addition and does not exceed 3,500 parking spaces
1064 serving the sports facility; and
1065 2. The local government having jurisdiction of the sports
1066 facility includes in the development order or development permit

1067 approving such expansion under this paragraph a finding of fact
1068 that the proposed expansion is consistent with the
1069 transportation, water, sewer and stormwater drainage provisions
1070 of the approved local comprehensive plan and local land
1071 development regulations relating to those provisions.
1072
1073 Any owner or developer who intends to rely on this statutory
1074 exemption shall provide to the department a copy of the local
1075 government application for a development permit. Within 45 days
1076 of receipt of the application, the department shall render to
1077 the local government an advisory and nonbinding opinion, in
1078 writing, stating whether, in the department's opinion, the
1079 prescribed conditions exist for an exemption under this
1080 paragraph. The local government shall render the development
1081 order approving each such expansion to the department. The
1082 owner, developer, or department may appeal the local government
1083 development order pursuant to s. 380.07, within 45 days after
1084 the order is rendered. The scope of review shall be limited to
1085 the determination of whether the conditions prescribed in this
1086 paragraph exist. If any sports facility expansion undergoes
1087 development of regional impact review, all previous expansions
1088 which were exempt under this paragraph shall be included in the
1089 development of regional impact review.
1090 (h) Expansion to port harbors, spoil disposal sites,
1091 navigation channels, turning basins, harbor berths, and other
1092 related inwater harbor facilities of ports listed in s.
1093 403.021(9)(b), port transportation facilities and projects
1094 listed in s. 311.07(3)(b), and intermodal transportation
1095 facilities identified pursuant to s. 311.09(3) are exempt from
1096 the provisions of this section when such expansions, projects,

1097 or facilities are consistent with comprehensive master plans
1098 that are in compliance with the provisions of s. 163.3178.
1099 (i) Any proposed facility for the storage of any petroleum
1100 product or any expansion of an existing facility is exempt from
1101 the provisions of this section~~, if the facility is consistent~~
1102 ~~with a local comprehensive plan that is in compliance with s.~~
1103 ~~163.3177 or is consistent with a comprehensive port master plan~~
1104 ~~that is in compliance with s. 163.3178~~.
1105 (j) Any renovation or redevelopment within the same land
1106 parcel which does not change land use or increase density or
1107 intensity of use.
1108 (k)~~1.~~ Waterport and marina development, including dry
1109 storage facilities, are exempt from the provisions of this
1110 section ~~Any waterport or marina development is exempt from the~~
1111 ~~provisions of this section if the relevant county or~~
1112 ~~municipality has adopted a boating facility siting plan or~~
1113 ~~policy which includes applicable criteria, considering such~~
1114 ~~factors as natural resources, manatee protection needs and~~
1115 ~~recreation and economic demands as generally outlined in the~~
1116 ~~Bureau of Protected Species Management Boat Facility Siting~~
1117 ~~Guide, dated August 2000, into the coastal management or land~~
1118 ~~use element of its comprehensive plan. The adoption of boating~~
1119 ~~facility siting plans or policies into the comprehensive plan is~~
1120 ~~exempt from the provisions of s. 163.3187(1). Any waterport or~~
1121 ~~marina development within the municipalities or counties with~~
1122 ~~boating facility siting plans or policies that meet the above~~
1123 ~~criteria, adopted prior to April 1, 2002, are exempt from the~~
1124 ~~provisions of this section, when their boating facility siting~~
1125 ~~plan or policy is adopted as part of the relevant local~~
1126 ~~government's comprehensive plan.~~

1127 ~~2. Within 6 months of the effective date of this law, The~~
1128 ~~Department of Community Affairs, in conjunction with the~~
1129 ~~Department of Environmental Protection and the Florida Fish and~~
1130 ~~Wildlife Conservation Commission, shall provide technical~~
1131 ~~assistance and guidelines, including model plans, policies and~~
1132 ~~criteria to local governments for the development of their~~
1133 ~~siting plans~~.
1134 (l) Any proposed development within an urban service
1135 boundary established under s. 163.3177(14) is exempt from the
1136 provisions of this section if the local government having
1137 jurisdiction over the area where the development is proposed has
1138 adopted the urban service boundary, ~~and~~ has entered into a
1139 binding agreement with ~~adjacent~~ jurisdictions that would be
1140 impacted and with the Department of Transportation regarding the
1141 mitigation of impacts on state and regional transportation
1142 facilities, and has adopted a proportionate share methodology
1143 pursuant to s. 163.3180(16).
1144 (m) Any proposed development within a rural land
1145 stewardship area created under s. 163.3177(11)(d) is exempt from
1146 the provisions of this section if the local government that has
1147 adopted the rural land stewardship area has entered into a
1148 binding agreement with jurisdictions that would be impacted and
1149 the Department of Transportation regarding the mitigation of
1150 impacts on state and regional transportation facilities, and has
1151 adopted a proportionate share methodology pursuant to s.
1152 163.3180(16).
1153 (n) Any proposed development or redevelopment within an
1154 area designated as an urban infill and redevelopment area under
1155 s. 163.2517 is exempt from ~~the provisions of~~ this section if the
1156 local government has entered into a binding agreement with
1157 jurisdictions that would be impacted and the Department of

1158 Transportation regarding the mitigation of impacts on state and
1159 regional transportation facilities, and has adopted a
1160 proportionate share methodology pursuant to s. 163.3180(16).
1161 (o) The establishment, relocation, or expansion of any
1162 military installation as defined in s. 163.3175, is exempt from
1163 this section.
1164 (p) Any self-storage warehousing that does not allow
1165 retail or other services is exempt from this section.
1166 (q) Any proposed nursing home or assisted living facility
1167 is exempt from this section.
1168 (r) Any development identified in an airport master plan
1169 and adopted into the comprehensive plan pursuant to s.
1170 163.3177(6)(k) is exempt from this section.
1171 (s) Any development identified in a campus master plan and
1172 adopted pursuant to s. 1013.30 is exempt from this section.
1173 (t) Any development in a specific area plan which is
1174 prepared pursuant to s. 163.3245 and adopted into the
1175 comprehensive plan is exempt from this section.
1176
1177 If a use is exempt from review as a development of regional
1178 impact under paragraphs (a)-(t) but will be part of a larger
1179 project that is subject to review as a development of regional
1180 impact, the impact of the exempt use must be included in the
1181 review of the larger project.
1182 (28) PARTIAL STATUTORY EXEMPTIONS.--
1183 (a) If the binding agreement referenced under paragraph
1184 (24)(l) for urban service boundaries is not entered into within
1185 12 months after establishment of the urban service boundary, the
1186 development-of-regional-impact review for projects within the
1187 urban service boundary must address transportation impacts only.

1188 (b) If the binding agreement referenced under paragraph
1189 (24)(m) for rural land stewardship areas is not entered into
1190 within 12 months after the designation of a rural land
1191 stewardship area, the development-of-regional-impact review for
1192 projects within the rural land stewardship area must address
1193 transportation impacts only.
1194 (c) If the binding agreement referenced under paragraph
1195 (24)(n) for designated urban infill and redevelopment areas is
1196 not entered into within 12 months after the designation of the
1197 area or July 1, 2007, whichever occurs later, the development-
1198 of-regional-impact review for projects within the urban infill
1199 and redevelopment area must address transportation impacts only.
1200 (d) A local government that does not wish to enter into a
1201 binding agreement or that is unable to agree on the terms of the
1202 agreement referenced under paragraph (24)(l), paragraph (24)(m),
1203 or paragraph (24)(n) shall provide written notification to the
1204 state land planning agency of the decision to not enter into a
1205 binding agreement or the failure to enter into a binding
1206 agreement within the 12-month period referenced in paragraphs
1207 (a), (b) and (c). Following the notification of the state land
1208 planning agency, development-of-regional-impact review for
1209 projects within an urban service boundary under paragraph
1210 (24)(l), a rural land stewardship area under paragraph (24)(m),
1211 or an urban infill and redevelopment area under paragraph
1212 (24)(n), must address transportation impacts only.
1213 (e) The vesting provision of s. 163.3167(8) relating to an
1214 authorized development of regional impact shall not apply to
1215 those projects partially exempt from the development-of-
1216 regional-impact review process under paragraphs (a)-(d).
1217 Section 7. Paragraphs (d) and (e) of subsection (3) of
1218 section 380.0651, Florida Statutes, are amended, paragraphs (f)

1219 through (i) are redesignated as paragraphs (e) through (h),
1220 respectively, paragraph (j) is redesignated as paragraph (i) and
1221 amended, and a new paragraph (j) is added to that subsection, to
1222 read:
1223 380.0651 Statewide guidelines and standards.--
1224 (3) The following statewide guidelines and standards shall
1225 be applied in the manner described in s. 380.06(2) to determine
1226 whether the following developments shall be required to undergo
1227 development-of-regional-impact review:
1228 (d) Office development.--Any proposed office building or
1229 park operated under common ownership, development plan, or
1230 management that:
1231 1. Encompasses 300,000 or more square feet of gross floor
1232 area; or
1233 2. Encompasses more than 600,000 square feet of gross
1234 floor area in a county with a population greater than 500,000
1235 and only in a geographic area specifically designated as highly
1236 suitable for increased threshold intensity in the approved local
1237 comprehensive plan ~~and in the strategic regional policy plan~~.
1238 ~~(e) Port facilities.--The proposed construction of any~~
1239 ~~waterport or marina is required to undergo development of-~~
1240 ~~regional-impact review, except one designed for:~~
1241 ~~1.a. The wet storage or mooring of fewer than 150~~
1242 ~~watercraft used exclusively for sport, pleasure, or commercial~~
1243 ~~fishing, or~~
1244 ~~b. The dry storage of fewer than 200 watercraft used~~
1245 ~~exclusively for sport, pleasure, or commercial fishing, or~~
1246 ~~c. The wet or dry storage or mooring of fewer than 150~~
1247 ~~watercraft on or adjacent to an inland freshwater lake except~~
1248 ~~Lake Okeechobee or any lake which has been designated an~~
1249 ~~Outstanding Florida Water, or~~

1250 ~~d. The wet or dry storage or mooring of fewer than 50~~
1251 ~~watercraft of 40 feet in length or less of any type or purpose.~~
1252 ~~The exceptions to this paragraph's requirements for development~~
1253 ~~of regional impact review shall not apply to any waterport or~~
1254 ~~marina facility located within or which serves physical~~
1255 ~~development located within a coastal barrier resource unit on an~~
1256 ~~unbridged barrier island designated pursuant to 16 U.S.C. s.~~
1257 ~~3501.~~
1258
1259 ~~In addition to the foregoing, for projects for which no~~
1260 ~~environmental resource permit or sovereign submerged land lease~~
1261 ~~is required, the Department of Environmental Protection must~~
1262 ~~determine in writing that a proposed marina in excess of 10~~
1263 ~~slips or storage spaces or a combination of the two is located~~
1264 ~~so that it will not adversely impact Outstanding Florida Waters~~
1265 ~~or Class II waters and will not contribute boat traffic in a~~
1266 ~~manner that will have an adverse impact on an area known to be,~~
1267 ~~or likely to be, frequented by manatees. If the Department of~~
1268 ~~Environmental Protection fails to issue its determination within~~
1269 ~~45 days of receipt of a formal written request, it has waived~~
1270 ~~its authority to make such determination. The Department of~~
1271 ~~Environmental Protection determination shall constitute final~~
1272 ~~agency action pursuant to chapter 120.~~
1273 ~~2. The dry storage of fewer than 300 watercraft used~~
1274 ~~exclusively for sport, pleasure, or commercial fishing at a~~
1275 ~~marina constructed and in operation prior to July 1, 1985.~~
1276 ~~3. Any proposed marina development with both wet and dry~~
1277 ~~mooring or storage used exclusively for sport, pleasure, or~~
1278 ~~commercial fishing, where the sum of percentages of the~~
1279 ~~applicable wet and dry mooring or storage thresholds equals 100~~
1280 ~~percent. This threshold is in addition to, and does not~~

1281 ~~preclude, a development from being required to undergo~~
1282 ~~development of regional impact review under sub-subparagraphs~~
1283 ~~1.a. and b. and subparagraph 2.~~
1284 (i) ~~(j)~~ Residential development.--No rule may be adopted
1285 concerning residential developments which treats a residential
1286 development in one county as being located in a less populated
1287 adjacent county unless more than 25 percent of the development
1288 is located within 2 or less miles of the less populated adjacent
1289 county. The residential thresholds of adjacent counties with
1290 less population and a lower threshold shall not be controlling
1291 on any development wholly located within a municipality in a
1292 rural county of economic concern.
1293 (j) Workforce housing.--The applicable guidelines for
1294 residential development and the residential component for
1295 multiuse development shall be increased by 50 percent where the
1296 developer demonstrates that at least 15 percent of the total
1297 residential dwelling units authorized within the development of
1298 regional impact will be dedicated to affordable workforce
1299 housing, subject to a recorded land use restriction that shall
1300 be for a period of not less than 20 years and that includes
1301 resale provisions to ensure long-term affordability for income-
1302 eligible homeowners and renters and provisions for the workforce
1303 housing to be commenced prior to the completion of 50 percent of
1304 the market rate dwelling. For purposes of this paragraph, the
1305 term "affordable workforce housing" means housing that is
1306 affordable to a person who earns less than 120 percent of the
1307 area median income, or less than 140 percent of the area median
1308 income if located in a county in which the median purchase price
1309 for a single-family existing home exceeds the statewide median
1310 purchase price of a single-family existing home. For the
1311 purposes of this paragraph, the term "statewide median purchase

1312 price of a single-family existing home" means the statewide
1313 purchase price as determined in the Florida Sales Report,
1314 Single-Family Existing Homes, released each January by the
1315 Florida Association of Realtors and the University of Florida
1316 Real Estate Research Center.
1317 Section 8. Section 380.07, Florida Statutes, is amended to
1318 read:
1319 380.07 Florida Land and Water Adjudicatory Commission.--
1320 (1) There is hereby created the Florida Land and Water
1321 Adjudicatory Commission, which shall consist of the
1322 Administration Commission. The commission may adopt rules
1323 necessary to ensure compliance with the area of critical state
1324 concern program and the requirements for developments of
1325 regional impact as set forth in this chapter.
1326 (2) Whenever any local government issues any development
1327 order in any area of critical state concern, or in regard to any
1328 development of regional impact, copies of such orders as
1329 prescribed by rule by the state land planning agency shall be
1330 transmitted to the state land planning agency, the regional
1331 planning agency, and the owner or developer of the property
1332 affected by such order. The state land planning agency shall
1333 adopt rules describing development order rendition and
1334 effectiveness in designated areas of critical state concern.
1335 Within 45 days after the order is rendered, the owner, the
1336 developer, or the state land planning agency may appeal the
1337 order to the Florida Land and Water Adjudicatory Commission by
1338 filing a petition alleging that the development order is not
1339 consistent with the provisions of this part ~~notice of appeal~~
1340 ~~with the commission~~. The appropriate regional planning agency by
1341 vote at a regularly scheduled meeting may recommend that the
1342 state land planning agency undertake an appeal of a development-

1343 of-regional-impact development order. Upon the request of an
1344 appropriate regional planning council, affected local
1345 government, or any citizen, the state land planning agency shall
1346 consider whether to appeal the order and shall respond to the
1347 request within the 45-day appeal period. ~~Any appeal taken by a~~
1348 ~~regional planning agency between March 1, 1993, and the~~
1349 ~~effective date of this section may only be continued if the~~
1350 ~~state land planning agency has also filed an appeal. Any appeal~~
1351 ~~initiated by a regional planning agency on or before March 1,~~
1352 ~~1993, shall continue until completion of the appeal process and~~
1353 ~~any subsequent appellate review, as if the regional planning~~
1354 ~~agency were authorized to initiate the appeal.~~
1355 (3) Notwithstanding any other provision of law, an appeal
1356 of a development order by the state land planning agency under
1357 this section may include consistency of the development order
1358 with the local comprehensive plan. However, if a development
1359 order relating to a development of regional impact has been
1360 challenged in a proceeding under s. 163.3215 and a party to the
1361 proceeding serves notice to the state land planning agency of
1362 the pending proceeding under s. 163.3215, the state land
1363 planning agency shall:
1364 (a) Raise its consistency issues by intervening as a full
1365 party in the pending proceeding under s. 163.3215 within 30 days
1366 after service of the notice; and
1367 (b) Dismiss the consistency issues from the development
1368 order appeal.
1369 (4) The appellant shall furnish a copy of the petition to
1370 the opposing party, as the case may be, and to the local
1371 government that issued the order. The filing of the petition
1372 stays the effectiveness of the order until after the completion
1373 of the appeal process.

1374 (5) ~~(3)~~ The 45-day appeal period for a development of
1375 regional impact within the jurisdiction of more than one local
1376 government shall not commence until after all the local
1377 governments having jurisdiction over the proposed development of
1378 regional impact have rendered their development orders. The
1379 appellant shall furnish a copy of the notice of appeal to the
1380 opposing party, as the case may be, and to the local government
1381 which issued the order. The filing of the notice of appeal shall
1382 stay the effectiveness of the order until after the completion
1383 of the appeal process.
1384 (6) ~~(4)~~ Prior to issuing an order, the Florida Land and
1385 Water Adjudicatory Commission shall hold a hearing pursuant to
1386 the provisions of chapter 120. The commission shall encourage
1387 the submission of appeals on the record made below in cases in
1388 which the development order was issued after a full and complete
1389 hearing before the local government or an agency thereof.
1390 (7) ~~(5)~~ The Florida Land and Water Adjudicatory Commission
1391 shall issue a decision granting or denying permission to develop
1392 pursuant to the standards of this chapter and may attach
1393 conditions and restrictions to its decisions.
1394 (8) ~~(6)~~ If an appeal is filed with respect to any issues
1395 within the scope of a permitting program authorized by chapter
1396 161, chapter 373, or chapter 403 and for which a permit or
1397 conceptual review approval has been obtained prior to the
1398 issuance of a development order, any such issue shall be
1399 specifically identified in the notice of appeal which is filed
1400 pursuant to this section, together with other issues which
1401 constitute grounds for the appeal. The appeal may proceed with
1402 respect to issues within the scope of permitting programs for
1403 which a permit or conceptual review approval has been obtained
1404 prior to the issuance of a development order only after the

1405 commission determines by majority vote at a regularly scheduled
1406 commission meeting that statewide or regional interests may be
1407 adversely affected by the development. In making this
1408 determination, there shall be a rebuttable presumption that
1409 statewide and regional interests relating to issues within the
1410 scope of the permitting programs for which a permit or
1411 conceptual approval has been obtained are not adversely
1412 affected.
1413 Section 9. Section 380.115, Florida Statutes, is amended
1414 to read:
1415 380.115 Vested rights and duties; effect of size
1416 reduction, changes in guidelines and standards ~~chs. 2002-20 and~~
1417 ~~2002-296~~.--
1418 (1) A change in a development-of-regional-impact guideline
1419 and standard does not abridge ~~Nothing contained in this act~~
1420 ~~abridges~~ or modify ~~modifies~~ any vested or other right or any
1421 duty or obligation pursuant to any development order or
1422 agreement that is applicable to a development of regional impact
1423 ~~on the effective date of this act~~. A development that has
1424 received a development-of-regional-impact development order
1425 pursuant to s. 380.06, but is no longer required to undergo
1426 development-of-regional-impact review by operation of a change
1427 in the guidelines and standards or has reduced its size below
1428 the thresholds in s. 380.0651 ~~of this act~~, shall be governed by
1429 the following procedures:
1430 (a) The development shall continue to be governed by the
1431 development-of-regional-impact development order and may be
1432 completed in reliance upon and pursuant to the development order
1433 unless the developer or landowner has followed the procedures
1434 for rescission in paragraph (b). Any proposed changes to those
1435 developments which continue to be governed by a development

1436 order shall be approved pursuant to s. 380.06(19) as it existed
1437 prior to a change in the development-of-regional-impact
1438 guidelines and standards except that all percentage criteria
1439 shall be doubled and all other criteria shall be increased by 10
1440 percent. The development-of-regional-impact development order
1441 may be enforced by the local government as provided by ss.
1442 380.06(17) and 380.11.
1443 (b) If requested by the developer or landowner, the
1444 development-of-regional-impact development order shall ~~may~~ be
1445 rescinded by the local government having jurisdiction upon a
1446 showing that all required mitigation related to the amount of
1447 development that existed on the date of rescission has been
1448 completed ~~abandoned pursuant to the process in s. 380.06(26)~~.
1449 (2) A development with an application for development
1450 approval pending, ~~and determined sufficient~~ pursuant to s.
1451 380.06 ~~s. 380.06(10)~~, on the effective date of a change to the
1452 guidelines and standards ~~this act~~, or a notification of proposed
1453 change pending on the effective date of a change to the
1454 guidelines and standards ~~this act~~, may elect to continue such
1455 review pursuant to s. 380.06. At the conclusion of the pending
1456 review, including any appeals pursuant to s. 380.07, the
1457 resulting development order shall be governed by the provisions
1458 of subsection (1).
1459 (3) A landowner that has filed an application for a
1460 development-of-regional-impact review prior to the adoption of
1461 an optional sector plan pursuant to s. 163.3245 may elect to
1462 have the application reviewed pursuant to s. 380.06,
1463 comprehensive plan provisions in force prior to adoption of the
1464 sector plan, and any requested comprehensive plan amendments
1465 that accompany the application.

1466 Section 10. Paragraph (i) of subsection (2) of section
1467 403.813, Florida Statutes, is amended to read:
1468 403.813 Permits issued at district centers; exceptions.--
1469 (2) A permit is not required under this chapter, chapter
1470 373, chapter 61-691, Laws of Florida, or chapter 25214 or
1471 chapter 25270, 1949, Laws of Florida, for activities associated
1472 with the following types of projects; however, except as
1473 otherwise provided in this subsection, nothing in this
1474 subsection relieves an applicant from any requirement to obtain
1475 permission to use or occupy lands owned by the Board of Trustees
1476 of the Internal Improvement Trust Fund or any water management
1477 district in its governmental or proprietary capacity or from
1478 complying with applicable local pollution control programs
1479 authorized under this chapter or other requirements of county
1480 and municipal governments:
1481 (i) The construction of private docks <u>of 1,000 square feet</u>
1482 <u>or less of over-water surface area</u> and seawalls in artificially
1483 created waterways where such construction will not violate
1484 existing water quality standards, impede navigation, or affect
1485 flood control. This exemption does not apply to the construction
1486 of vertical seawalls in estuaries or lagoons unless the proposed
1487 construction is within an existing manmade canal where the
1488 shoreline is currently occupied in whole or part by vertical
1489 seawalls.
1490 Section 11. This act shall take effect July 1, 2006.
1491
1492 ========== T I T L E A M E N D M E N T ==========
1493 Remove the entire title and insert:
1494 A bill to be entitled
1495 An act relating to growth management; amending s.
1496 163.3177, F.S.; encouraging local governments to adopt

1497 recreational surface water use policies; providing
1498 criteria and exemptions for such policies; authorizing
1499 assistance for the development of such policies; directing
1500 the Office of Program Policy Analysis and Government
1501 Accountability to submit a report to the Legislature;
1502 amending s. 163.3180, F.S.; conforming a cross-reference;
1503 amending s. 197.303, F.S.; revising the criteria for ad
1504 valorem tax deferral for working waterfront properties;
1505 including public lodging establishments in the description
1506 of working waterfront properties; amending s. 342.07,
1507 F.S.; adding recreational activities as an important state
1508 interest; including public lodging establishments within
1509 the definition of the term "recreational and commercial
1510 working waterfront"; creating s. 373.4132, F.S.; directing
1511 water management district governing boards and the
1512 Department of Environmental Protection to require permits
1513 for certain activities relating to certain dry storage
1514 facilities; providing criteria for application of such
1515 permits; preserving regulatory authority for the
1516 department and governing boards; amending s. 380.06, F.S.;
1517 providing for the state land planning agency to determine
1518 the amount of development that remains to be built in
1519 certain circumstances; specifying certain requirements for
1520 a development order; revising the circumstances in which a
1521 local government may issue permits for development
1522 subsequent to the buildout date; revising the definition
1523 of an essentially built-out development; revising the
1524 criteria under which a proposed change constitutes a
1525 substantial deviation; providing criteria for calculating
1526 certain deviations; clarifying the criteria under which
1527 the extension of a buildout date is presumed to create a

1528 substantial deviation; requiring that notice of any change
1529 to certain set-aside areas be submitted to the local
1530 government; requiring that notice of certain changes be
1531 given to the state land planning agency, regional planning
1532 agency, and local government; revising the statutory
1533 exemptions from development-of-regional-impact review for
1534 certain facilities; removing waterport and marina
1535 developments from development-of-regional-impact review;
1536 providing statutory exemptions and partial statutory
1537 exemptions for the development of certain facilities;
1538 providing that the impacts from an exempt use that will be
1539 part of a larger project be included in the development-
1540 of-regional-impact review of the larger project; providing
1541 that vesting provisions relating to authorized
1542 developments of regional impact are not applicable to
1543 certain projects; amending s. 380.0651, F.S.; revising the
1544 statewide guidelines and standards for development-of-
1545 regional-impact review of office developments; deleting
1546 such guidelines and standards for port facilities;
1547 revising such guidelines and standards for residential
1548 developments; providing such guidelines and standards for
1549 workforce housing; amending s. 380.07, F.S.; revising the
1550 appellate procedures for development orders within a
1551 development of regional impact to the Florida Land and
1552 Water Adjudicatory Commission; amending s. 380.115, F.S.;
1553 providing that a change in a development-of-regional-
1554 impact guideline and standard does not abridge or modify
1555 any vested right or duty under a development order;
1556 providing a process for the rescission of a development
1557 order by the local government in certain circumstances;
1558 providing an exemption for certain applications for

1559 development approval and notices of proposed changes;
1560 amending s. 403.813, F.S.; revising permitting exceptions
1561 for the construction of private docks in certain
1562 waterways; providing an effective date.

Bill No. **1489**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Waters offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6
7 Section 1. Section 331.301, Florida Statutes, is amended
8 to read:
9 331.301 Short title.--This act may be cited as the "Space
10 Florida ~~Space Authority~~ Act."
11 Section 2. Section 331.3011, Florida Statutes, is created
12 to read:
13 331.3011 Legislative findings and intent.--
14 (1) The Legislature finds and declares that the aerospace
15 industry of this state is integral to the state's long-term
16 success in diversifying its economy and building a knowledge-
17 based economy that is able to support the creation of high
18 value-added businesses and jobs. Further, under the direction of
19 Space Florida, this state has the opportunity to strengthen its
20 existing leadership in civil and military aerospace activity and
21 emerge as a leader in the nation's new vision for space
22 exploration and commercial aerospace opportunities, including

23 the integration of space, aeronautics, and aviation
24 technologies. As the leading location for talent, research,
25 advanced technologies and systems development, launch, and other
26 aerospace-based industry activities, this state can position
27 itself for sustainable economic growth and prosperity.
28 (2) The Legislature finds that attaining this vision
29 requires a strong public and private commitment to a world class
30 aerospace industry. It is the intent of the Legislature that
31 Space Florida will encourage the public and private sectors to
32 work together to implement an aggressive strategy that enhances
33 the state's workforce, education, and research capabilities,
34 with emphasis on mathematics, science, engineering, and related
35 fields; will focus on the state's economic development efforts
36 in order to capture a larger share of activity in aerospace
37 research, technology, production, and commercial operations,
38 while maintaining the state's historical leadership in space
39 launch activities; and will preserve the unique national role
40 served by the Cape Canaveral Air Force Station and John F.
41 Kennedy Space Center by reducing costs and improving the
42 regulatory flexibility for commercial sector launches while
43 pursuing the development of sites for commercial horizontal
44 launches.
45 (3) It is the intent of the Legislature that aerospace
46 activities be highly visible and coordinated within this state.
47 To that end, it is the intent of the Legislature that Space
48 Florida provide a single point of contact for state aerospace-
49 related activities with federal agencies, the military, state
50 agencies, businesses, and the private sector.
51 Section 3. Section 331.302, Florida Statutes, is amended
52 to read:
53 (Substantial rewording of section. See

54 s. 331.302, F.S., for present text.)
55 331.302 Space Florida; creation; purpose.--
56 (1) There is established, formed, and created Space
57 Florida, which is created as a body politic incorporated and as
58 an independent special district, to foster the growth and
59 development of a sustainable and world-leading aerospace
60 industry in this state. Space Florida shall promote aerospace
61 business development by facilitating business financing,
62 spaceport operations, research and development, workforce
63 development, and innovative education programs. Space Florida
64 has all the powers, rights, privileges, and authority as
65 provided under the laws of this state.
66 (2) In carrying out its duties and responsibilities, Space
67 Florida shall advise, coordinate, cooperate, and, when
68 necessary, enter into memoranda of agreement with
69 municipalities, counties, regional authorities, state agencies
70 and organizations, appropriate federal agencies and
71 organizations, and other interested persons and groups.
72 (3) Space Florida may not endorse any candidate for any
73 elected public office or contribute money to the campaign of any
74 candidate for public office.
75 (4) Space Florida is not an agency as defined in ss.
76 216.011 and 287.012.
77 Section 4. Section 331.303, Florida Statutes, is amended
78 to read:
79 331.303 Definitions.--
80 (1) "Aerospace" means the industry that designs and
81 manufactures aircraft, rockets, missiles, spacecraft,
82 satellites, space vehicles, space stations, space facilities or
83 components thereof, and equipment, systems, facilities,
84 simulators, programs, and related activities, including the

85 application of aerospace technologies in air-based, land-based,
86 and sea-based platforms for commercial, civil, and defense
87 purposes. ~~"Authority" means the Florida Space Authority created~~
88 ~~by this act.~~
89 (2) "Board" or "board of directors ~~supervisors~~" means the
90 governing body of Space Florida ~~the authority~~.
91 (3) "Bonds" means revenue bonds, assessment bonds, or
92 other bonds or obligations issued by Space Florida ~~the authority~~
93 for the purpose of raising financing for its projects.
94 (4) "Business client" means any person, other than a state
95 official or state employee, who receives the services of, or is
96 the subject of solicitation by, representatives of Space Florida
97 ~~the authority~~ in connection with the performance of its
98 statutory duties, including purchasers or prospective purchasers
99 of Space Florida ~~authority~~ services, persons or representatives
100 of firms considering or being solicited for investment in Space
101 Florida ~~authority~~ projects, persons or representatives of firms
102 considering or being solicited for location, relocation, or
103 expansion of an aerospace-related ~~a space related~~ business
104 within the state, and business, financial, or other persons
105 connected with the aerospace ~~space~~ industry.
106 ~~(5) "Complementary activity" means any space business~~
107 ~~incubator, space tourism activity, educational involvement in an~~
108 ~~incubator, or space tourism and space-related research and~~
109 ~~development.~~
110 ~~(6) "Conduit bond" means any bond of the authority which~~
111 ~~is a nonrecourse obligation of the authority payable from the~~
112 ~~proceeds of such bonds and related financing agreements.~~
113 (5) ~~(7)~~ "Cost" means all costs, fees, charges, expenses,
114 and amounts associated with the development of projects by Space
115 Florida ~~the authority~~.

116 (6) ~~(8)~~ "Entertainment expenses" means the actual,
117 necessary, and reasonable costs of providing hospitality for
118 business clients or guests, which costs are defined and
119 prescribed by rules adopted by Space Florida ~~the authority~~,
120 subject to approval by the Chief Financial Officer.
121 ~~(9) "Federal aid" means any property, funding, or other~~
122 ~~financial assistance provided by the Federal Government to the~~
123 ~~authority for its projects.~~
124 (7) ~~(10)~~ "Financing agreement" means a lease, lease-
125 purchase agreement, lease with option to purchase, sale or
126 installment sale agreement, whether title passes in whole or in
127 part at any time before ~~prior to~~, at, or after completion of the
128 project, loan agreement, or other agreement forming the basis
129 for the financing under this act, including any agreements,
130 guarantees, or security instruments forming part of or related
131 to providing assurance of payment of the obligations under the
132 ~~such~~ financing agreement.
133 (8) ~~(11)~~ "Guest" means a person, other than a state
134 official or state employee, authorized by the board or its
135 designee to receive the hospitality of Space Florida ~~the~~
136 ~~authority~~ in connection with the performance of its statutory
137 duties.
138 (9) ~~(12)~~ "Landing area" means the geographical area
139 designated by Space Florida ~~the authority~~ within the spaceport
140 territory for or intended for the landing and surface
141 maneuvering of any launch or other space vehicle.
142 (10) ~~(13)~~ "Launch pad" means any launch pad, runway,
143 airstrip, or similar facility used ~~by the spaceport or spaceport~~
144 ~~user~~ for launching ~~of~~ space vehicles.

145 (11) ~~(14)~~ "Payload" means any property or cargo to be
146 transported aboard any vehicle launched by or from the
147 spaceport.
148 (12) ~~(15)~~ "Person" means any individual, child, community
149 college, college, university, firm, association, joint venture,
150 partnership, estate, trust, business trust, syndicate,
151 fiduciary, corporation, nation, government (federal, state, or
152 local), agency (government or other), subdivision of the state,
153 municipality, county, business entity, or any other group or
154 combination.
155 (13) ~~(16)~~ "Project" means any activity associated with any
156 development, improvement, property, launch, utility, facility,
157 system, works, road, sidewalk, enterprise, service, or
158 convenience, which may include coordination with federal and
159 state partners or agencies ~~Enterprise Florida, Inc., the Board~~
160 ~~of Education, the Florida Aerospace Finance Corporation, and the~~
161 ~~Florida Space Research Institute~~; any rocket, capsule, module,
162 launch facility, assembly facility, operations or control
163 facility, tracking facility, administrative facility, or any
164 other type of aerospace-related ~~space related~~ transportation
165 vehicle, station, or facility; any type of equipment or
166 instrument to be used or useful in connection with any of the
167 foregoing; any type of intellectual property and intellectual
168 property protection in connection with any of the foregoing
169 including, without limitation, any patent, copyright, trademark,
170 and service mark for, among other things, computer software; any
171 water, wastewater, gas, or electric utility system, plant, or
172 distribution or collection system; any small business incubator
173 initiative, including any startup aerospace company, and any
174 aerospace business proposing to expand or locate its business in
175 this state, research and development company, research and

176 development facility, education and workforce training facility,
177 storage facility, and consulting service; or any tourism
178 initiative, including any space experience attraction,
179 microgravity flight program, aerospace ~~space~~-launch-related
180 activity, and space museum sponsored or promoted by Space
181 Florida ~~the authority~~.
182 (14) ~~(17)~~ "Range" means the geographical area designated by
183 Space Florida ~~the authority~~ or other appropriate body as the
184 area for the launching of rockets, missiles, launch vehicles,
185 and other vehicles designed to reach high altitude.
186 (15) ~~(18)~~ "Recovery" means the recovery of space vehicles
187 and payloads which have been launched from or by a ~~the~~
188 spaceport.
189 (16) ~~(19)~~ "Spaceport" means any area of land or water, or
190 any manmade object or facility located therein, developed by
191 Space Florida ~~the authority~~ under this act, which area is
192 intended for public use or for the launching, takeoff, and
193 landing of spacecraft and aircraft, and includes any appurtenant
194 areas which are used or intended for public use, for spaceport
195 buildings, or for other spaceport facilities, spaceport
196 projects, or rights-of-way.
197 ~~(20) "Spaceport Florida" means the authority or its~~
198 ~~facilities and projects.~~
199 (17) ~~(21)~~ "Spaceport launch facilities" means ~~shall be~~
200 ~~defined as~~ industrial facilities as described in ~~accordance with~~
201 s. 380.0651(3)(c) and include any launch pad, launch control
202 center, and fixed launch-support equipment.
203 ~~(22) "Spaceport system" means the programs, organizations,~~
204 ~~and infrastructure developed by the authority for the~~
205 ~~development of facilities or activities to enhance and provide~~

206 ~~commercial space related development opportunities for business,~~
207 ~~education, and government within the state.~~
208 (18) ~~(23)~~ "Spaceport territory" means the geographical area
209 designated in s. 331.304 and as amended or changed in accordance
210 with s. 331.329.
211 (19) ~~(24)~~ "Spaceport user" means any person who uses the
212 facilities or services of any spaceport; and, for the purposes
213 of any exemptions or rights granted under this act, the ~~said~~
214 spaceport user shall be deemed a spaceport user only during the
215 time period in which the ~~such~~ person has in effect a contract,
216 memorandum of understanding, or agreement with the spaceport,
217 and such rights and exemptions shall be granted with respect to
218 transactions relating only to spaceport projects.
219 (20) ~~(25)~~ "Travel expenses" means the actual, necessary,
220 and reasonable costs of transportation, meals, lodging, and
221 incidental expenses normally incurred by a traveler, which costs
222 are defined and prescribed by rules adopted by Space Florida ~~the~~
223 ~~authority~~, subject to approval by the Chief Financial Officer.
224 (21) ~~(26)~~ "Spaceport discretionary capacity improvement
225 projects" means capacity improvements that enhance space
226 transportation capacity at spaceports that have had one or more
227 orbital or suborbital flights during the previous calendar year
228 or have an agreement in writing for installation of one or more
229 regularly scheduled orbital or suborbital flights upon the
230 commitment of funds for stipulated spaceport capital
231 improvements.
232 Section 5. Section 331.305, Florida Statutes, is amended
233 to read:
234 331.305 Powers of Space Florida ~~the authority~~.--Space
235 Florida may ~~The authority shall have the power to~~:

236 ~~(1) Exercise all powers granted to corporations under the~~
237 ~~Florida Business Corporation Act, chapter 607.~~
238 (1)~~(2)~~ Sue and be sued by its name in any court of law or
239 in equity.
240 (2)~~(3)~~ Adopt and use a corporate seal and alter the same
241 at pleasure.
242 (3) Conduct its affairs, carry on its operations, and have
243 offices and exercise the powers granted by this act in any
244 state, territory, district, or possession of the United States
245 or any foreign country.
246 (4) Acquire, enjoy, utilize, and dispose of patents,
247 copyrights, and trademarks and any licenses and other rights or
248 interests thereunder or therein. ~~Review and make~~
249 ~~recommendations with respect to a strategy to guide and~~
250 ~~facilitate the future of space-related educational and~~
251 ~~commercial development. The authority shall in coordination with~~
252 ~~the Federal Government, private industry, and Florida~~
253 ~~universities develop a business plan which shall address the~~
254 ~~expansion of Spaceport Florida locations, space launch capacity,~~
255 ~~spaceport projects, and complementary activities, which shall~~
256 ~~include, but not be limited to, a detailed analysis of:~~
257 ~~(a) The authority and the commercial space industry.~~
258 ~~(b) Products, services description--potential,~~
259 ~~technologies, skills.~~
260 ~~(c) Market research and evaluation--customers,~~
261 ~~competition, economics.~~
262 ~~(d) Marketing plan and strategy.~~
263 ~~(e) Design and development plan--tasks, difficulties,~~
264 ~~costs.~~
265 ~~(f) Manufacturing locations, facilities, and operations~~
266 ~~plan.~~

267 ~~(g) Management organization--roles and responsibilities.~~
268 ~~(h) Overall schedule (monthly).~~
269 ~~(i) Important risks, assumptions, and problems.~~
270 ~~(j) Community impact--economic, human development,~~
271 ~~community development.~~
272 ~~(k) Financial plan (monthly for first year; quarterly for~~
273 ~~next 3 years).~~
274 ~~(l) Proposed authority offering--financing,~~
275 ~~capitalization, use of funds.~~
276 (5) Purchase, take, receive, subscribe for, or otherwise
277 acquire, own, hold, vote, use, employ, sell, mortgage, lend,
278 pledge, or otherwise dispose of and otherwise use and deal in
279 and with, shares and other interests in, or obligations of,
280 other domestic or foreign corporations, whether for profit or
281 not for profit, associations, partnerships, or individuals, or
282 direct or indirect obligations of the United States, or of any
283 other government, state, territory, governmental district,
284 municipality, or of any instrumentality thereof.
285 (6) Lend money for its purposes, invest and reinvest its
286 funds, and take and hold real and personal property as security
287 for the payment of funds loaned.
288 (7) Have and exercise all powers necessary or convenient
289 to effect any or all of the purposes for which it is organized.
290 (8) ~~(5)~~ Acquire property, real, personal, intangible,
291 tangible, or mixed, within or without its territorial limits, in
292 fee simple or any lesser interest or estate, by purchase, gift,
293 devise, or lease, on such terms and conditions as the board may
294 deem necessary or desirable, and sell or otherwise dispose of
295 the same and of any of the assets and properties of Space
296 Florida ~~the authority~~.

297 (9) ~~(6)~~ Make and execute any and all contracts and other
298 instruments necessary or convenient to the exercise of its
299 powers, including financing agreements with persons or spaceport
300 users to facilitate the financing, construction, leasing, or
301 sale of any project.
302 (10) ~~(7)~~ Whenever deemed necessary by the board, lease as
303 lessor or lessee to or from any person, public or private, any
304 facilities or property for the use of Space Florida ~~the~~
305 ~~authority~~ and carry out any of the purposes of Space Florida ~~the~~
306 ~~authority~~.
307 ~~(8) Appoint, through its board of supervisors, an~~
308 ~~executive director.~~
309 (11) ~~(9)~~ Own, acquire, construct, develop, create,
310 reconstruct, equip, operate, maintain, extend, and improve
311 launch pads, landing areas, ranges, payload assembly buildings,
312 payload processing facilities, laboratories, aerospace ~~space~~
313 business incubators, launch vehicles, payloads, space flight
314 hardware, facilities and equipment for the construction of
315 payloads, space flight hardware, rockets, and other launch
316 vehicles, and other spaceport facilities and other aerospace-
317 related ~~space related~~ systems, including educational, cultural,
318 and parking facilities and aerospace-related ~~space related~~
319 initiatives.
320 ~~(10) Undertake a program of advertising to the public~~
321 ~~promoting space related businesses or any spaceport projects of~~
322 ~~the authority, and expend moneys and undertake such activities~~
323 ~~to carry out such advertising and promotional program as the~~
324 ~~board from time to time may determine.~~
325 (12) ~~(11)~~ Own, acquire, construct, reconstruct, equip,
326 operate, maintain, extend, or ~~and~~ improve transportation
327 facilities appropriate to meet the transportation requirements

328 of Space Florida ~~the authority~~ and activities conducted within
329 ~~the~~ spaceport territory.
330 (13) ~~(12)~~ Own, acquire, construct, reconstruct, equip,
331 operate, maintain, extend, or ~~and~~ improve electric power plants,
332 transmission lines and related facilities, gas mains and
333 facilities of any nature for the production or distribution of
334 natural gas, transmission lines and related facilities and
335 plants and facilities for the generation and transmission of
336 power through traditional and new and experimental sources of
337 power and energy; purchase electric power, natural gas, and
338 other sources of power for distribution within any spaceport
339 territory; develop and operate water and sewer systems and waste
340 collection and disposal consistent with chapter 88-130, Laws of
341 Florida; and develop and operate such new and experimental
342 public utilities, including, but not limited to, centrally
343 distributed heating and air-conditioning facilities and
344 services, closed-circuit television systems, and computer
345 services and facilities, as the board may from time to time
346 determine. However, Space Florida may ~~the authority shall~~ not
347 construct any system, work, project, or utility authorized to be
348 constructed under this paragraph in the event that a system,
349 work, project, or utility of a similar character is being
350 actually operated by a municipality or private company in the
351 municipality or territory adjacent thereto, unless such
352 municipality or private company consents to such construction.
353 (14) ~~(13)~~ Designate, set aside, and maintain lands and
354 areas within or without the territorial limits of any spaceport
355 territory as conservation areas or bird and wildlife
356 sanctuaries; stock such areas with animal and plant life and
357 stock water areas with fish and other aquatic life; adopt
358 pursuant to ss. 120.536(1) and 120.54 ~~promulgate~~ and enforce

359 rules ~~and regulations~~ with respect thereto and protect and
360 preserve the natural beauty thereof; and do all acts necessary
361 or desirable in order to qualify such lands and areas as
362 conservation areas and sanctuaries under any of the laws of the
363 state or under federal law.
364 (15) ~~(14)~~ Establish a program for the control, abatement,
365 and elimination of mosquitoes and other noxious insects,
366 rodents, reptiles, and other pests throughout the spaceport
367 territory and undertake such works and construct such facilities
368 within or without the spaceport territory as may be determined
369 by the board to be needed to effectuate such program; abate and
370 suppress mosquitoes and other arthropods, whether disease-
371 bearing or pestiferous, within any spaceport territory when in
372 the judgment of the board such action is necessary or desirable
373 for the health and welfare of the inhabitants of or visitors to
374 any spaceport; and take any and all temporary or permanent
375 eliminative measures that the board may deem advisable. The
376 Legislature hereby finds and declares Space Florida ~~the~~
377 ~~authority~~ eligible to receive state funds, supplies, services,
378 and equipment available or that may in the future become
379 available to mosquito or pest control districts, the provisions
380 of s. 388.021 notwithstanding.
381 (16) ~~(15)~~ Subject to the rules and regulations of the
382 appropriate water management district, own, acquire, construct,
383 reconstruct, equip, maintain, operate, extend, and improve water
384 and flood control facilities. The Legislature hereby finds and
385 declares Space Florida ~~the authority~~ eligible to receive moneys,
386 disbursements, and assistance from the state available to flood
387 control or water management districts and navigation districts
388 or agencies.

389 (17) ~~(16)~~ Own, acquire, construct, reconstruct, equip,
390 maintain, operate, extend, and improve public safety facilities
391 for the spaceport, including security stations, security
392 vehicles, fire stations, water mains and plugs, and fire trucks
393 and other vehicles and equipment; hire employees, security
394 officers, and firefighters; and undertake such works and
395 construct such facilities determined by the board to be
396 necessary or desirable to promote and ensure public safety
397 within the spaceport territory.
398 (18) ~~(17)~~ Hire, through its president ~~executive director~~, a
399 safety officer with substantial experience in public safety
400 procedures and programs for space vehicle launching and related
401 hazardous operations. The safety officer shall monitor and
402 report on the safety and hazards of ground-based space
403 operations to the president ~~executive director~~.
404 ~~(18) Establish a personnel management system for hiring~~
405 ~~employees and setting employee benefit packages. The personnel~~
406 ~~of the authority shall not be considered to be within the state~~
407 ~~employment system.~~
408 ~~(19) Establish procedures, rules, and rates governing per~~
409 ~~diem and travel expenses of its employees, the members of the~~
410 ~~board of supervisors, and other persons authorized by the board~~
411 ~~to incur such expenses. Except as otherwise provided in s.~~
412 ~~331.3101, such rules are subject to provisions of state law or~~
413 ~~rules pertaining to per diem and travel expenses of public~~
414 ~~officers, employees, or other persons authorized by an agency~~
415 ~~head to incur such expenses.~~
416 (19) ~~(20)~~ Examine, develop, and use ~~utilize~~ new concepts,
417 designs, and ideas; own, acquire, construct, reconstruct, equip,
418 operate, maintain, extend, and improve experimental spaceport
419 facilities and services; and otherwise undertake, sponsor,

420 finance, and maintain such research activities, experimentation,
421 and development as the board may from time to time determine, in
422 connection with any of the projects that Space Florida ~~the~~
423 ~~authority~~ is authorized to undertake pursuant to the powers and
424 authority vested in it by this act, and in order to promote the
425 development and utilization of new concepts, designs, and ideas
426 in the fields of space exploration, commercialization of the
427 space industry, and spaceport facilities.

428 (20) ~~(21)~~ Issue revenue bonds, assessment bonds, or any
429 other bonds or obligations authorized by the provisions of this
430 act or any other law, or any combination of the foregoing, and
431 pay all or part of the cost of the acquisition, construction,
432 reconstruction, extension, repair, improvement, or maintenance
433 of any project or combination of projects, including payloads
434 and space flight hardware, and equipment for research,
435 development, and educational activities, to provide for any
436 facility, service, or other activity of Space Florida ~~the~~
437 ~~authority~~, and provide for the retirement or refunding of any
438 bonds or obligations of Space Florida ~~the authority~~, or for any
439 combination of the foregoing purposes. Space Florida ~~The~~
440 ~~authority~~ must provide 14 days' notice to the presiding officers
441 and appropriations chairs of both houses of the Legislature
442 prior to presenting a bond proposal to the Governor and Cabinet.
443 If either presiding officer or appropriations chair objects to
444 the bonding proposal within the 14-day-notice period, the bond
445 issuance may be approved only by a vote of three-fourths ~~two-~~
446 ~~thirds~~ of the members of the Governor and Cabinet.

447 (21) ~~(22)~~ Make expenditures for entertainment and travel
448 expenses and business clients, guests, and other authorized
449 persons as provided in this act.

450 (22) ~~(23)~~ In connection with any financing agreement, fix
451 and collect fees, loan payments, rental payments, and other
452 charges for the use of any project in such amount as to provide
453 sufficient moneys to pay the principal of and interest on bonds
454 as the same shall become due and payable, if so provided in the
455 bond resolution or trust agreement, and to create reserves for
456 such purposes. The fees, rents, payments, and charges and all
457 other revenues and proceeds derived from the project in
458 connection with which the bonds of any issue shall have been
459 issued, except such part thereof as may be necessary for such
460 reserves or any expenditures as may be provided in the
461 resolution authorizing the issuance of the bonds or in the trust
462 agreement securing the same, shall be set aside, at the time as
463 may be specified in the resolution or trust agreement, in a
464 sinking fund which may be pledged to and charged with the
465 payment of the principal of and the interest on such bonds as
466 the same shall become due and the redemption price or the
467 purchase price of bonds retired by call or purchase as therein
468 provided. Such pledge is ~~shall be~~ valid and binding from the
469 time the pledge is made. The fees, rents, charges, and other
470 revenues and moneys so pledged and thereafter received by or on
471 behalf of Space Florida ~~the authority~~ shall immediately be
472 subject to the lien of any such pledge without any physical
473 delivery thereof or further act, and the lien of any such pledge
474 is ~~shall be~~ valid and binding as against all parties having
475 claims of any kind in tort, contract, or otherwise against Space
476 Florida ~~the authority~~, irrespective of whether such parties have
477 notice thereof. Neither the resolution nor any trust agreement
478 by which a pledge is created need be filed or recorded, except
479 in the records of Space Florida ~~the authority~~. The use and
480 disposition of money to the credit of the sinking fund shall be

481 subject to the provisions of the resolution authorizing the
482 issuance of such bonds or the provisions of such trust
483 agreement.
484 ~~(24) Exercise the right and power of eminent domain in~~
485 ~~spaceport territory as defined in s. 331.304. In exercising such~~
486 ~~power, the authority shall comply with the procedures and~~
487 ~~requirements of chapters 73 and 74.~~
488 Section 6. Section 331.3051, Florida Statutes, is created
489 to read:
490 331.3051 Duties of Space Florida.--Space Florida shall:
491 (1) Create a business plan to foster the growth and
492 development of the aerospace industry. The business plan must
493 address business development; finance; spaceport operations;
494 research and development; workforce development; and education.
495 The business plan must be completed by March 1, 2007, and be
496 revised when determined as necessary by the board.
497 (2) Enter into agreement with the Department of Education,
498 the Department of Transportation, Enterprise Florida, Inc., and
499 Workforce Florida, Inc., for the purpose of implementing this
500 act.
501 (3) In cooperation with Enterprise Florida, Inc., develop
502 a plan to retain, expand, attract, and create aerospace industry
503 entities, public or private, which results in the creation of
504 high-value-added businesses and jobs in this state.
505 (4) Create a marketing campaign to help attract, develop,
506 and retain aerospace businesses, aerospace research and
507 technology, and other related activities in this state. Space
508 Florida shall attempt to coordinate the campaign with existing
509 economic-development-promotion efforts in this state and may use
510 private resources. Marketing strategies may include developing
511 promotional materials, Internet and print advertising, public

512 relations and media placement, trade show attendance, and other
513 activities.
514 (5) Consult with the Florida Commission on Tourism in
515 developing a space tourism marketing plan. Space Florida and
516 the Florida Commission on Tourism may enter into a mutually
517 beneficial agreement that provides funding to the Commission for
518 its services to implement this subsection.
519 (6) Develop, in cooperation with Enterprise Florida, Inc.,
520 a plan to provide financing assistance to aerospace businesses.
521 The plan may include the following activities:
522 (a) Assembling, publishing, and disseminating information
523 concerning financing opportunities and techniques for aerospace
524 projects, programs, and activities; sources of public and
525 private aerospace financing assistance; and sources of
526 aerospace-related financing.
527 (b) Organizing, hosting, and participating in seminars and
528 other forums designed to disseminate information and technical
529 assistance regarding aerospace-related financing.
530 (c) Coordinating with programs and goals of the Department
531 of Defense, the National Aeronautics and Space Administration,
532 the Export-Import Bank of the United States, the International
533 Trade Administration of the United States Department of
534 Commerce, the Foreign Credit Insurance Association, and other
535 private and public programs and organizations, domestic and
536 foreign.
537 (d) Establishing a network of contacts among those
538 domestic and foreign public and private organizations that
539 provide information, technical assistance, and financial support
540 to the aerospace industry.
541 (e) Financing aerospace business development projects or
542 initiatives using funds provided by the legislature.

543 (7) Carry out its responsibilities for spaceport
544 operations by:
545 (a) Seeking federal support and developing partnerships to
546 renew and upgrade the infrastructure and technologies at the
547 Cape Canaveral Air Force Station, the John F. Kennedy Space
548 Center, and the Eastern Range that will enhance space and
549 military programs of the Federal Government, and improve access
550 for commercial launch activities.
551 (b) Supporting federal efforts to clarify roles and
552 responsibilities of federal agencies and to eliminate
553 duplicative federal rules and policies, in an effort to
554 streamline access for commercial launch users.
555 (c) Pursuing the development of commercial spaceports in
556 the state, in addition to those defined in s. 331.304, through a
557 competitive request for proposals in partnership with counties
558 or municipalities, the Federal Government, or private entities.
559 (d) Promoting and facilitating launch activity within the
560 state by supporting and assisting commercial launch operators in
561 completing and submitting required documentation and gaining
562 approvals and authorization from the required federal agencies
563 for launching from Florida.
564 (e) Consulting, as necessary, with the appropriate
565 federal, state, and local authorities, including the National
566 Aeronautics and Space Administration, the Federal Aviation
567 Administration, the Department of Defense, the Department of
568 Transportation, the Florida National Guard, and industry on all
569 aspects of establishing and operating spaceport infrastructure
570 and related facilities within the state.
571 (8) Carry out its responsibility for research and
572 development by:

573 (a) Contracting for the operations of the state's Space
574 Life Sciences Laboratory.
575 (b) Working in collaboration with one or more public or
576 private universities and other public or private entities to
577 develop a proposal for a Center of Excellence for Aerospace that
578 will foster and promote the research necessary to develop
579 commercially promising, advanced, and innovative science and
580 technology and will transfer those discoveries to the commercial
581 sector.
582 (9) Carry out its responsibility for workforce
583 development, by coordinating with Workforce Florida, Inc.,
584 community colleges, colleges, public and private universities,
585 and other public and private partners to develop a plan to
586 retain, train, and retrain workers, from entry-level skills
587 training through to technician-level, and 4-year degrees and
588 higher, with the skills most relevant to aerospace employers.
589 (10) Carry out its responsibility for creating innovative
590 education programs by funding programs developed in conjunction
591 with the Department of Education that target grades K-20 in an
592 effort to promote mathematics and science education programs,
593 which may include the Florida-NASA Matching Grant Program,
594 aerospace-focused education programs for teachers, education-
595 oriented microgravity flight programs for teachers and students,
596 and Internet-based aerospace education. Funds collected pursuant
597 to s. 212.20(6)(d) and any in-kind or private-sector
598 contribution may be used to carry out innovative education
599 programs. Funding levels shall be determined by the Space
600 Florida board of directors. In its annual report, Space Florida
601 shall include, at a minimum, a description of programs funded,
602 the number of students served, and private-sector support.

603 (11) Annually report on its performance with respect to
604 its business plan, to include finance, spaceport operations,
605 research and development, workforce development, and education.
606 The report shall be submitted to the Governor, the President of
607 the Senate, and the Speaker of the House of Representatives no
608 later than September 1 for the prior fiscal year.
609 Section 7. Section 331.306, Florida Statutes, is amended
610 to read:
611 331.306 Federal airspace notification.--In accordance with
612 Federal Aviation Administration procedures ~~coordination with the~~
613 ~~Florida Department of Transportation~~, Space Florida ~~the~~
614 ~~authority~~ shall ~~develop and~~ file the appropriate federal
615 ~~airspace~~ notification to activate special-use airspace in
616 support of their space launch operations ~~required for priority~~
617 ~~airspace use~~.
618 Section 8. Section 331.308, Florida Statutes, is amended
619 to read:
620 331.308 Board of directors ~~supervisors~~.--
621 (1) Space Florida shall be governed by a board of
622 directors. Designees of appointed members do not have voting
623 authority. The board of directors shall consist of the following
624 members:
625 (a) The Governor.
626 (b) The Secretary of Transportation or the secretary's
627 designee.
628 (c) The president of Workforce Florida, Inc., or the
629 president's designee.
630 (d) The president of Enterprise Florida, Inc., or the
631 president's designee.
632 (e) The Commissioner of Education or the commissioner's
633 designee.

634 (f) Twelve members from the private sector, one of whom
635 shall be a representative of organized labor who has
636 professional experience in the aerospace industry, appointed by
637 the Governor. In making these appointments, the Governor shall
638 ensure that the composition of the board reflects the diversity
639 of the aerospace industry community of this state and, to the
640 greatest degree possible, that the composition of the board
641 includes, but is not limited to, at least one individual from
642 each of the industries of business, finance, marketing, space,
643 aerospace, aviation, defense, research and development, and
644 education. The Governor shall also consider whether the current
645 members of the board, together with potential appointees,
646 reflect the racial, ethnic, and gender diversity, as well as the
647 geographic distribution, of the population of the state.
648 (g) Two ex officio, nonvoting members, one of whom shall
649 be a member of the Senate, selected by the President of the
650 Senate, and one of whom shall be a member of the House of
651 Representatives, selected by the Speaker of the House of
652 Representatives.
653 (2)(a) Vacancies on the board shall be filled for the
654 unexpired term in the same manner as the original appointments
655 to the board.
656 (b) Each member of the board of directors shall serve for
657 a term of 4 years, except that the initial terms shall be
658 staggered.
659 1. The Governor shall appoint two members for a 1-year
660 term, four members for 2-year terms, and six members for 4-year
661 terms.
662 2. The appointments made by the President of the Senate
663 and the Speaker of the House of Representatives shall serve 2-
664 year terms.

665 (c) Any member is eligible for reappointment.
666 (3) Appointed members may be removed by the Governor for
667 cause. Absence from three consecutive meetings without good
668 cause shall result in automatic removal by the Governor.
669 (4) All private sector members are subject to confirmation
670 by the Senate at the next regular session of the Legislature.
671 (5) The Governor shall serve as chair of the board of
672 directors. The board of directors shall biennially elect one of
673 its private sector members as vice chair to serve in the absence
674 of the Governor and to perform such other duties as may be
675 designated. The president shall keep a record of the proceedings
676 of the board of directors and shall be the custodian of all
677 books, documents, and papers filed with the board of directors,
678 the minutes of the board of directors, and the official seal of
679 Space Florida.
680 (6) The board of directors shall meet at least four times
681 each year, upon the call of the chair, at the request of the
682 vice chair, or at the request of a majority of the membership. A
683 majority of the total number of current voting directors shall
684 constitute a quorum. The board of directors may take official
685 action by a majority vote of the members present at any meeting
686 at which a quorum is present.
687 (7) Members of the board of directors shall serve without
688 compensation, but members, the president, and staff may be
689 reimbursed for all reasonable, necessary, and actual expenses,
690 as determined by the board of directors of Space Florida
691 pursuant to s. 112.061.
692 (8) Each member of the board of directors of Space Florida
693 who is not otherwise required to file financial disclosure
694 pursuant to s. 8, Art. II of the State Constitution or s.
695 112.3144, shall file disclosure of financial interests pursuant

696 to s. 112.3145.~~There is created within the Florida Space~~
697 ~~Authority a board of supervisors consisting of eight regular~~
698 ~~members, who shall be appointed by the Governor, and two ex~~
699 ~~officio nonvoting members, one of whom shall be a state senator~~
700 ~~selected by the President of the Senate and one of whom shall be~~
701 ~~a state representative selected by the Speaker of the House of~~
702 ~~Representatives. The Lieutenant Governor, who is the state's~~
703 ~~space policy leader, shall serve as chair of the board of~~
704 ~~supervisors, and shall cast the deciding vote if the votes of~~
705 ~~the eight regular members result in a tie. The board shall elect~~
706 ~~a vice chair to preside in the absence of the Lieutenant~~
707 ~~Governor and to perform such other duties as may be designated.~~
708 ~~All regular members shall be subject to confirmation by the~~
709 ~~Senate at the next regular session of the Legislature. Existing~~
710 ~~board members are not prohibited from reappointment. Each of the~~
711 ~~regular board members must be a resident of the state and must~~
712 ~~have experience in the aerospace or commercial space industry or~~
713 ~~in finance or have other significant relevant experience. A~~
714 ~~private sector legal entity may not have more than one person~~
715 ~~serving on the board at any one time. One regular member shall~~
716 ~~represent organized labor interests, one regular member shall~~
717 ~~represent minority interests, and four regular members must~~
718 ~~represent space industry, at least one of whom must also be from~~
719 ~~a small business, as defined in s. 288.703. For the purpose of~~
720 ~~this section, "space industry" includes private sector entities~~
721 ~~engaged in space flight business, as defined in s. 212.031,~~
722 ~~research and technology development of space-based products and~~
723 ~~services, space station commercialization, development of~~
724 ~~spaceport and range technology, remote sensing products and~~
725 ~~services, space biotechnology, measurement and calibration of~~
726 ~~space assets, space-related software and information technology~~

727 ~~development, design and architecture of space-based assets and~~
728 ~~facilities for manufacturing and other purposes, space-related~~
729 ~~nanotechnology, space tourism, and other commercial enterprises~~
730 ~~utilizing uniquely space-based capabilities.~~
731 ~~(2) Each regular member shall serve a term of 4 years or~~
732 ~~until a successor is appointed and qualified. The term of each~~
733 ~~such member shall be construed to commence on the date of~~
734 ~~appointment and to terminate on June 30 of the year of the end~~
735 ~~of the term. Appointment to the board shall not preclude any~~
736 ~~such member from holding any other private or public position.~~
737 ~~(3) The ex officio nonvoting legislative members shall~~
738 ~~serve on the board for 2-year terms.~~
739 ~~(4) Any vacancy on the board shall be filled for the~~
740 ~~balance of the unexpired term.~~
741 ~~(5) The board shall appoint an executive director.~~
742 ~~Meetings shall be held quarterly or more frequently at the call~~
743 ~~of the chair. A majority of the regular members of the board~~
744 ~~shall constitute a quorum, and a majority vote of such members~~
745 ~~present is necessary for any action taken by the board.~~
746 ~~(6) The Governor has the authority to remove from the~~
747 ~~board any regular member in the manner and for cause as defined~~
748 ~~by the laws of this state and applicable to situations that may~~
749 ~~arise before the board. Unless excused by the chair of the~~
750 ~~board, a regular member's absence from two or more consecutive~~
751 ~~board meetings creates a vacancy in the office to which the~~
752 ~~member was appointed.~~
753 Section 9. Section 331.309, Florida Statutes, is amended
754 to read:
755 331.309 Treasurer; depositories; fiscal agent.--
756 (1) The board shall designate an individual who is a
757 resident of the state, or a qualified public depository as

758 defined in s. 280.02, as treasurer of Space Florida ~~the~~
759 ~~authority~~, who shall have charge of the funds of Space Florida
760 ~~the authority~~. Such funds shall be disbursed only upon the order
761 of or pursuant to the resolution of the board by warrant, check,
762 authorization, or direct deposit pursuant to s. 215.85, signed
763 or authorized by the treasurer or his or her representative or
764 by such other persons as may be authorized by the board. The
765 board may give the treasurer such other or additional powers and
766 duties as the board may deem appropriate and shall establish the
767 treasurer's compensation. The board may require the treasurer to
768 give a bond in such amount, on such terms, and with such
769 sureties as may be deemed satisfactory to the board to secure
770 the performance by the treasurer of his or her powers and
771 duties. The board shall audit or have audited the books of the
772 treasurer at least once a year.
773 (2) The board is authorized to select as depositories in
774 which the funds of the board and of Space Florida ~~the authority~~
775 shall be deposited any qualified public depository as defined in
776 s. 280.02, upon such terms and conditions as to the payment of
777 interest by such depository upon the funds so deposited as the
778 board may deem just and reasonable. ~~Funds of the authority may~~
779 ~~also be deposited with the Florida Commercial Space Financing~~
780 ~~Corporation created by s. 331.407.~~ The funds of Space Florida
781 ~~the authority~~ may be kept in or removed from the State Treasury
782 upon written notification from the chair of the board to the
783 Chief Financial Officer.
784 (3) The board may employ a fiscal agent, who shall be
785 either a resident of the state or a corporation organized under
786 the laws of this or any other state and authorized by such laws
787 to act as such fiscal agent in the state.

788 Section 10. Section 331.310, Florida Statutes, is amended
789 to read:
790 331.310 Powers and duties of the board of directors
791 ~~supervisors.--Except as otherwise provided in this act, all of~~
792 ~~the powers and duties of the authority shall be exercised by and~~
793 ~~through the board of supervisors, including the power and duty~~
794 ~~to:~~
795 (1) The board of directors may: ~~Adopt bylaws, rules,~~
796 ~~resolutions, and orders prescribing the powers, duties, and~~
797 ~~functions of the officers of the authority, the conduct of the~~
798 ~~business of the authority, the maintenance of records, and the~~
799 ~~form of all documents and records of the authority. The board~~
800 ~~may adopt administrative rules and regulations with respect to~~
801 ~~any of the projects of the authority, with notice and public~~
802 ~~hearing.~~
803 ~~(2) Maintain an executive office and authority offices in~~
804 ~~close proximity to Kennedy Space Center.~~
805 (a) ~~(3)~~ Enter, and authorize any agent or employee of Space
806 Florida ~~the authority~~ to enter, upon any lands, waters, and
807 premises, upon giving reasonable notice and due process to the
808 land owner, for the purposes of making surveys, soundings,
809 drillings, appraisals, and examinations necessary to perform its
810 duties and functions. Any such entry shall not be deemed a
811 trespass or an entry that would constitute a taking in an
812 eminent domain proceeding. Space Florida ~~The authority~~ shall
813 make reimbursement for any actual damages to such lands, waters,
814 and premises as a result of such activity.
815 (b) ~~(4)~~ Execute all contracts and other documents, adopt
816 all proceedings, and perform all acts determined by the board to
817 be necessary or desirable to carry out the purposes of this act.
818 The board may authorize one or more members of the board to

819 execute contracts and other documents on behalf of the board or
820 Space Florida ~~the authority~~.
821 (c) ~~(5)~~ Establish and create such departments, committees,
822 or other entities ~~agencies~~ as from time to time the board may
823 deem necessary or desirable in the performance of any acts or
824 other things necessary to the exercise of the powers provided in
825 this act, and delegate to such departments, boards, or other
826 entities ~~agencies~~ such administrative duties and other powers as
827 the board may deem necessary or desirable.
828 (d) Provide financial services to support aerospace-related
829 business development within the state. Financial services may
830 include, but are not limited to, insuring, coinsuring,
831 originating for sale direct aerospace-related loans, direct
832 lending, loan guarantees and collateralized loans, creating
833 accounts, capitalizing, underwriting, leasing, selling, or
834 securing funding for, aerospace-related infrastructure,
835 investing in permissible securities, organizing financial
836 institutions and international bank syndicates, and acquiring,
837 accepting, or administering grants, contracts, and fees from
838 other organizations to perform activities that are consistent
839 with the purposes of Space Florida's business plan. If the
840 board deems a financial services entity is necessary, the board
841 may contract with such entities.
842 ~~(6) Appoint a person to act as executive director of the~~
843 ~~authority, having such official title, functions, duties,~~
844 ~~powers, and salary as the board may prescribe.~~
845 (e) ~~(7)~~ Examine, and authorize any officer or agent of
846 Space Florida ~~the authority~~ to examine, the county tax rolls
847 with respect to the assessed valuation of the real and personal
848 property within any spaceport territory.

849 (f) ~~(8)~~ Engage in the planning and implementation of space-
850 related economic and educational development within the state.
851 (g) Provide the strategic direction for the aerospace-
852 related research priorities of the state and its aerospace-
853 related businesses.
854 (h) ~~(9)~~ Execute intergovernmental agreements and
855 development agreements consistent with prevailing statutory
856 provisions, including, but not limited to, special benefits or
857 tax increment financing initiatives.
858 (i) ~~(10)~~ Establish reserve funds for future board
859 operations.
860 (j) ~~(11)~~ Adopt rules pursuant to chapter 120 to carry out
861 the purposes of this act.
862 (2) The board of directors shall:
863 (a) Adopt rules and orders to conduct the business of
864 Space Florida, the maintenance of records, and the form of all
865 documents and records of Space Florida. The board may adopt
866 rules with respect to any of the projects of Space Florida with
867 notice and a public hearing.
868 (b) Maintain an executive office and Space Florida offices
869 in close proximity to the John F. Kennedy Space Center.
870 (c) Appoint a person to act as the president of Space
871 Florida, having such official title, functions, duties, powers,
872 and salary as the board may prescribe.
873 (d) ~~(12)~~ Abide by all applicable federal labor laws in the
874 construction and day-to-day operations of Space Florida ~~the~~
875 ~~authority~~ and any spaceport. Further, the board shall establish,
876 by rule and regulation, pursuant to chapter 120, policies and
877 procedures for the construction and operation of Space Florida
878 ~~the authority~~ and any spaceport. The ~~Said~~ policies and
879 procedures shall be such that when Space Florida ~~the authority~~

880 expends federal funds for construction or operation of any
881 spaceport project, Space Florida ~~the authority~~ will be subject
882 to the federal labor laws observed at the John F. Kennedy Space
883 Center and Cape Canaveral Air Force Station, Florida, applicable
884 as a result of such federal expenditures.
885 (e) ~~(13)~~ Prepare an annual report of operations. The ~~Said~~
886 report shall include, but not be limited to, a balance sheet, an
887 income statement, a statement of changes in financial position,
888 a reconciliation of changes in equity accounts, a summary of
889 significant accounting principles, the auditor's report, a
890 summary of the status of existing and proposed bonding projects,
891 comments from management about the year's business, and
892 prospects for the next year, which shall be submitted each year
893 by November 30 to the Governor, the President of the Senate, the
894 Speaker of the House of Representatives, the minority leader of
895 the Senate, and the minority leader of the House of
896 Representatives.
897 (f) Establish a personnel management system.
898 ~~(14) Change the name of the authority.~~
899 Section 11. Section 331.3101, Florida Statutes, is amended
900 to read:
901 331.3101 Space Florida ~~Space Authority~~; travel and
902 entertainment expenses.--
903 (1) Notwithstanding the provisions of s. 112.061, Space
904 Florida ~~the authority~~ shall adopt rules by which it may make
905 expenditures by advancement or reimbursement, or a combination
906 thereof, to Space Florida ~~authority~~ officers and employees;
907 reimburse business clients, guests, and authorized persons as
908 defined in s. 112.061(2)(e); and make direct payments to third-
909 party vendors:

910 (a) For travel expenses of such business clients, guests,
911 and authorized persons incurred by Space Florida ~~the authority~~
912 in connection with the performance of its statutory duties, and
913 for travel expenses incurred by state officials and state
914 employees while accompanying such business clients, guests, or
915 authorized persons or when authorized by the board or its
916 designee.
917 (b) For entertainment expenses of such guests, business
918 clients, and authorized persons incurred by Space Florida ~~the~~
919 ~~authority~~ in connection with the performance of its statutory
920 duties, and for entertainment expenses incurred for Space
921 Florida ~~authority~~ officials and employees when such expenses are
922 incurred while in the physical presence of such business
923 clients, guests, or authorized persons.
924 (2) The rules shall be subject to approval by the Chief
925 Financial Officer before adoption ~~prior to promulgation~~. The
926 rules shall require the submission of paid receipts, or other
927 proof prescribed by the Chief Financial Officer, with any claim
928 for reimbursement, and shall require, as a condition for any
929 advancement, an agreement to submit paid receipts or other proof
930 and to refund any unused portion of the advancement within 15
931 days after the expense is incurred or, if the advancement is
932 made in connection with travel, within 15 days after completion
933 of the travel. However, with respect to an advancement made
934 solely for travel expenses, the rules may allow paid receipts or
935 other proof to be submitted, and any unused portion of the
936 advancement to be refunded, within 30 days after completion of
937 the travel.
938 (3) An annual report shall be made to the Legislature not
939 later than November 30 of each year for the previous fiscal
940 year, which shall consist of a synopsis concisely summarizing

941 all travel, entertainment, and incidental expenses incurred
942 within the United States and, separately, all travel,
943 entertainment, and incidental expenses incurred outside the
944 United States.
945 (4) A ~~No~~ claim submitted under this section is not ~~shall~~
946 ~~be~~ required to be sworn to before a notary public or other
947 officer authorized to administer oaths, but any claim authorized
948 or required to be made under any provision of this section must
949 ~~shall~~ contain a statement that the expenses were actually
950 incurred as necessary travel or entertainment expenses in the
951 performance of official duties of Space Florida ~~the authority~~
952 and shall be verified by written declaration that it is true and
953 correct as to every material matter. Any person who willfully
954 makes and subscribes to any such claim which the person does not
955 believe to be true and correct as to every material matter or
956 who willfully aids or assists in, or procures, counsels, or
957 advises, the preparation or presentation of a claim pursuant to
958 this section, which claim is fraudulent or false as to any
959 material matter, whether or not such falsity or fraud is with
960 the knowledge or consent of the person authorized or required to
961 present such claim, commits a misdemeanor of the second degree,
962 punishable as provided in s. 775.082 or s. 775.083. Whoever
963 receives an advancement or reimbursement by means of a false
964 claim is civilly liable, in the amount of the overpayment, for
965 the reimbursement of the public fund from which the claim was
966 paid.
967 Section 12. Section 331.311, Florida Statutes, is amended
968 to read:
969 331.311 Exercise by Space Florida ~~authority~~ of its powers
970 within municipalities and other political subdivisions.--Space
971 Florida may ~~The authority shall have the power to~~ exercise any

972 of its rights, powers, privileges, and authority in any and all
973 portions of any spaceport territory lying within the boundaries
974 of any municipal corporation or other political subdivision,
975 heretofore or hereafter created or organized, whose boundaries
976 lie wholly or partly within the geographical limits of the
977 spaceport territory, to the same extent and in the same manner
978 as in areas of the spaceport territory not incorporated as part
979 of a municipality or other political subdivision. With respect
980 to any municipal corporation or other political subdivision
981 whose boundaries lie partly within and partly without the
982 geographical limits of the spaceport territory, Space Florida
983 may ~~the authority shall have the power to~~ exercise its rights,
984 powers, privileges, and authority only within the portion of the
985 ~~such~~ municipal corporation or other political subdivision lying
986 within the boundaries of the spaceport territory.
987 Section 13. Section 331.312, Florida Statutes, is amended
988 to read:
989 331.312 Furnishing facilities and services within the
990 spaceport territory.--Space Florida may ~~The authority shall have~~
991 ~~the power to~~ construct, develop, create, maintain, and operate
992 its projects within the geographical limits of the spaceport
993 territory, including any portions of the spaceport territory
994 located inside the boundaries of any incorporated municipality
995 or other political subdivision, and to offer, supply, and
996 furnish the facilities and services provided for in this act to,
997 and to establish and collect fees, rentals, and other charges
998 from, persons, public or private, within the geographical limits
999 of the spaceport territory and for the use of Space Florida ~~the~~
1000 ~~authority~~ itself.
1001 Section 14. Section 331.313, Florida Statutes, is amended
1002 to read:

1003 331.313 Power of Space Florida ~~the authority~~ with respect
1004 to roads.--Within the territorial limits of any spaceport
1005 territory, Space Florida may ~~the authority has the right to~~
1006 acquire, through purchase or interagency agreement, or as
1007 otherwise provided in law, and to construct, control, and
1008 maintain, roads deemed necessary by Space Florida ~~the authority~~
1009 and connections thereto and extensions thereof now or hereafter
1010 acquired, constructed, or maintained in accordance with
1011 established highway safety standards; provided that, in the
1012 event a road being addressed by Space Florida ~~the authority~~ is
1013 owned by another agency or jurisdiction, Space Florida ~~the~~
1014 ~~authority~~, before ~~prior to~~ proceeding with the proposed project
1015 or work activity, shall have either coordinated the desired work
1016 with the owning agency or jurisdiction or shall have
1017 successfully executed an interagency agreement with the owning
1018 agency or jurisdiction.
1019 Section 15. Section 331.316, Florida Statutes, is amended
1020 to read:
1021 331.316 Rates, fees, rentals, tolls, fares, and charges;
1022 procedure for adoption and modification; minimum revenue
1023 requirements.--
1024 (1) To recover the costs of the spaceport facility or
1025 system, Space Florida may ~~the authority shall have the power to~~
1026 prescribe, fix, establish, and collect rates, fees, rentals,
1027 tolls, fares, or other charges (hereinafter referred to as
1028 "revenues"), and to revise the same from time to time, for the
1029 facilities and services furnished or to be furnished by Space
1030 Florida ~~the authority~~ and the spaceport, including, but not
1031 limited to, launch pads, ranges, payload assembly and processing
1032 facilities, visitor and tourist facilities, transportation
1033 facilities, and parking and other related facilities, and may

1034 ~~shall have the power to~~ provide for reasonable penalties against
1035 any user or property for any such rates, fees, rentals, tolls,
1036 fares, or other charges that are delinquent.
1037 (2) The board may ~~shall have the power to~~ enter into
1038 contracts for the use of the projects of Space Florida ~~the~~
1039 ~~authority~~ and for the services and facilities furnished or to be
1040 furnished by Space Florida ~~the authority~~, including, but not
1041 limited to, launch services, payload assembly and processing,
1042 and other aerospace-related ~~space-related~~ services, for such
1043 consideration and on such other terms and conditions as the
1044 board may approve. Such contracts, and revenues or service
1045 charges received or to be received by Space Florida ~~the~~
1046 ~~authority~~ thereunder, may be pledged as security for any of the
1047 bonds of Space Florida ~~the authority~~.
1048 Section 16. Section 331.317, Florida Statutes, is amended
1049 to read:
1050 331.317 Recovery of delinquent charges.--In the event that
1051 any of the rates, fees, rentals, tolls, fares, other charges, or
1052 delinquent penalties shall not be paid as and when due and shall
1053 be in default for 30 days or more, the unpaid balance thereof
1054 and all interest accrued thereon, together with attorney's fees
1055 and costs, may be recovered by Space Florida ~~the authority~~ in a
1056 civil action.
1057 Section 17. Section 331.318, Florida Statutes, is amended
1058 to read:
1059 331.318 Discontinuance of service.--In the event that the
1060 rates, fees, rentals, tolls, fares, or other charges for the
1061 services and facilities of any project are not paid when due,
1062 the board may ~~shall have the power to~~ discontinue and shut off
1063 the same until such rates, fees, rentals, tolls, fares, or other
1064 charges, including interest, penalties, and charges for the

1065 shutting off and discontinuance and the restoration of such
1066 services and facilities, are fully paid. Such delinquent rates,
1067 fees, rentals, tolls, fares, or other charges, together with
1068 interest, penalties, and charges for the shutting off and
1069 discontinuance and the restoration of such services and
1070 facilities, and reasonable attorney's fees and other expenses,
1071 may be recovered by Space Florida ~~the authority~~ by suit in any
1072 court of competent jurisdiction. Space Florida ~~The authority~~ may
1073 also enforce payment of such delinquent rates, fees, rentals,
1074 tolls, fares, or other charges by any other lawful method of
1075 enforcement.
1076 Section 18. Section 331.319, Florida Statutes, is amended
1077 to read:
1078 331.319 Comprehensive planning; building and safety
1079 codes.--The board of directors may ~~supervisors shall have the~~
1080 ~~power to~~:
1081 (1) Adopt, and from time to time review, amend,
1082 supplement, or repeal, a comprehensive general plan for the
1083 physical development of the area within the spaceport territory
1084 in accordance with the objectives and purposes of this act and
1085 consistent with the comprehensive plans of the applicable county
1086 or counties and municipality or municipalities adopted pursuant
1087 to the Local Government Comprehensive Planning and Land
1088 Development Regulation Act, part II of chapter 163.
1089 (2) Prohibit within the spaceport territory the
1090 construction, alteration, repair, removal, or demolition, or the
1091 commencement of the construction, alteration, repair (except
1092 emergency repairs), removal, or demolition, of any building or
1093 structure, including, but not by way of limitation, public
1094 utility poles, lines, pipes, and facilities, without first
1095 obtaining a permit from the board or such other officer or

1096 agency as the board may designate, and to prescribe the
1097 procedure with respect to the obtaining of such permit.
1098 Section 19. Section 331.320, Florida Statutes, is amended
1099 to read:
1100 331.320 Additional powers of board.--The board of
1101 directors may ~~shall have the power~~ within any spaceport
1102 territory ~~to~~:
1103 (1) Adopt regulations to prohibit or control the pollution
1104 of air and water, and require certain location and placement of
1105 electrical power, telephone, and other utility lines, cables,
1106 pipes, and ducts.
1107 (2) Divide the spaceport territory into zones or districts
1108 of such number, shape, and area as the board may deem best
1109 suited to carry out the purposes of this act, and within and for
1110 each such district make regulations and restrictions as provided
1111 for in subsection (1).
1112 Section 20. Section 331.321, Florida Statutes, is amended
1113 to read:
1114 331.321 Federal and other funds and aid.--Space Florida
1115 may ~~The authority is authorized to~~ accept, receive, and receipt
1116 for federal moneys, property, and other moneys or properties,
1117 either public or private, for the acquisition, planning,
1118 operation, construction, enlargement, improvement, maintenance,
1119 equipment, or development of programs, facilities, and sites
1120 therefor, and ~~to~~ comply with the provisions of the laws of the
1121 United States and any rules and regulations made thereunder for
1122 the expenditure of federal moneys.
1123 Section 21. Section 331.322, Florida Statutes, is amended
1124 to read:
1125 331.322 Agreements with municipalities within any
1126 spaceport territory.--The board of directors and the governing

1127 body or bodies of any one or more municipalities located wholly
1128 or partly within any spaceport territory, whether now in
1129 existence or hereafter created, may ~~are authorized to~~ enter into
1130 and carry into effect contracts and agreements relating to the
1131 common powers, duties, and functions of the board and other
1132 officers, agents, and employees of Space Florida ~~the authority~~,
1133 and the respective governing body or bodies of one or more such
1134 municipalities, and their respective officers, agents, and
1135 employees, to the end that there may be effective cooperation
1136 between and coordination of the efforts of such municipality or
1137 municipalities and Space Florida ~~the authority~~ in discharging
1138 their common functions, powers, and duties and in rendering
1139 services to the respective residents and property owners of such
1140 municipality or municipalities and Space Florida ~~the authority~~.
1141 The board and the governing body or bodies of one or more such
1142 municipalities are further authorized to enter into and carry
1143 into effect contracts and agreements for the performance of any
1144 of their common functions, powers, and duties by a central
1145 agency or common agent of the contracting parties.
1146 Section 22. Section 331.323, Florida Statutes, is amended
1147 to read:
1148 331.323 Cooperative agreements with the state, counties,
1149 and municipalities.--
1150 (1) The state and the counties, municipalities, and other
1151 political subdivisions, public bodies, and agencies thereof, or
1152 any of them, whether now existing or hereafter created, are
1153 authorized to aid and cooperate with Space Florida ~~the authority~~
1154 in carrying out any of the purposes and projects of Space
1155 Florida ~~the authority~~, to enter into cooperative agreements with
1156 Space Florida ~~the authority~~, to provide in any such cooperative
1157 agreement for the making of loans, gifts, grants, or

1158 contributions to Space Florida ~~the authority~~ and the granting
1159 and conveyance to Space Florida ~~the authority~~ of real or
1160 personal property of any kind or nature, or any interest
1161 therein, for the carrying out of the purpose and projects of
1162 Space Florida ~~the authority~~; to covenant in any such cooperative
1163 agreement to pay all or any part of the costs of acquisition,
1164 planning, development, construction, reconstruction, extension,
1165 improvement, operation, and maintenance of any projects of Space
1166 Florida ~~the authority~~; and to pay all or any part of the
1167 principal and interest on any bonds of Space Florida ~~the~~
1168 ~~authority~~.
1169 (2) The state and the counties, municipalities, and other
1170 political subdivisions, public bodies, and agencies thereof, or
1171 any of them, whether now existing or hereafter created, and
1172 Space Florida ~~the authority created by this act~~, are further
1173 authorized to enter into cooperative agreements to provide for
1174 the furnishing by Space Florida ~~the authority~~ to the state or
1175 any county, municipality, or other political subdivision, public
1176 body, or agency thereof of any of the facilities and services of
1177 Space Florida ~~the authority~~, or by the state or any county,
1178 municipality, or other political subdivision, public body, or
1179 agency thereof to Space Florida ~~the authority~~ and to persons
1180 within the spaceport territory of facilities and services of the
1181 type that Space Florida ~~the authority~~ is authorized to furnish
1182 or undertake, or such other facilities and services as may be
1183 determined necessary or desirable by the board for the carrying
1184 out of the purposes of this act. Without limitation of the
1185 foregoing, such cooperative agreements may provide for the
1186 furnishing by any county, municipality, or other political
1187 subdivision of fire and police protection for Space Florida ~~the~~
1188 ~~authority~~ and persons and property within Space Florida ~~the~~

1189 ~~authority~~, and for the providing to Space Florida ~~the authority~~
1190 of any services deemed necessary or desirable by the board for
1191 the proper functioning of Space Florida ~~the authority~~.
1192 (3) Without limitation of the foregoing, the board may
1193 undertake and finance any of the projects of Space Florida ~~the~~
1194 ~~authority~~, in whole or in part, jointly with any municipality or
1195 municipalities, now existing or hereafter created, or in any
1196 other manner combine the projects of Space Florida ~~the authority~~
1197 with the projects of such municipality or municipalities.
1198 (4) Any agreement of the type authorized by this section
1199 may be made and entered into under ~~pursuant to~~ this act for such
1200 time or times, not exceeding 40 years.
1201 Section 23. Section 331.324, Florida Statutes, is amended
1202 to read:
1203 331.324 Contracts, grants, and contributions.--Space
1204 Florida may ~~The authority shall have the power to~~ make and enter
1205 all contracts and agreements necessary or incidental to the
1206 performance of the functions of Space Florida ~~the authority~~ and
1207 the execution of its powers, and to contract with, and to accept
1208 and receive grants or loans of money, material, or property
1209 from, any person, private or public, as the board shall
1210 determine to be necessary or desirable to carry out the purposes
1211 of this act, and in connection with any such contract, grant, or
1212 loan to stipulate and agree to such covenants, terms, and
1213 conditions as the board shall deem appropriate.
1214 Section 24. Section 331.325, Florida Statutes, is amended
1215 to read:
1216 331.325 Environmental permits.--Space Florida ~~The~~
1217 ~~authority~~ shall obtain required environmental permits in
1218 accordance with federal and state law and shall comply with the
1219 provisions of chapter 380.

1220 Section 25. Section 331.326, Florida Statutes, is amended
1221 to read:
1222 331.326 Information relating to trade secrets
1223 confidential.--The records of Space Florida ~~the authority~~
1224 regarding matters encompassed by this act are public records
1225 subject to the provisions of chapter 119. Any information held
1226 by Space Florida ~~the authority~~ which is a trade secret, as
1227 defined in s. 812.081, including trade secrets of Space Florida
1228 ~~the authority~~, any spaceport user, or the space industry
1229 business, is confidential and exempt from the provisions of s.
1230 119.07(1) and s. 24(a), Art. I of the State Constitution and may
1231 not be disclosed. If Space Florida ~~the authority~~ determines that
1232 any information requested by the public will reveal a trade
1233 secret, it shall, in writing, inform the person making the
1234 request of that determination. The determination is a final
1235 order as defined in s. 120.52. Any meeting or portion of a
1236 meeting of Space Florida's ~~the authority's~~ board ~~of supervisors~~
1237 is exempt from the provisions of s. 286.011 and s. 24(b), Art. I
1238 of the State Constitution when the board is discussing trade
1239 secrets. Any public record generated during the closed portions
1240 of the ~~such~~ meetings, such as minutes, tape recordings, and
1241 notes, is confidential and exempt from the provisions of s.
1242 119.07(1) and s. 24(a), Art. I of the State Constitution.
1243 Section 26. Section 331.327, Florida Statutes, is amended
1244 to read:
1245 331.327 Foreign trade zone.--Space Florida may ~~The~~
1246 ~~authority shall have the power to~~ apply to the Federal
1247 Government for a grant allowing the designation of any spaceport
1248 territory as a foreign trade zone pursuant to ss. 288.36 and
1249 288.37. However, the designation of any spaceport territory as a
1250 foreign trade zone does ~~shall~~ not ~~be deemed to~~ authorize an

1251 exemption from any tax imposed by the state or by any political
1252 subdivision, agency, or instrumentality thereof.
1253 Section 27. Section 331.328, Florida Statutes, is amended
1254 to read:
1255 331.328 Sovereign immunity.--As an independent special
1256 district, Space Florida ~~The authority~~ is possessed of ~~shall be~~
1257 ~~granted~~ sovereign immunity in the same manner as the state under
1258 the laws and Constitution of the State of Florida. The state, by
1259 this section, hereby waives the sovereign immunity granted to
1260 the same extent as waived by the state under state law.
1261 Section 28. Section 331.329, Florida Statutes, is amended
1262 to read:
1263 331.329 Changing boundary lines; annexation and exclusion
1264 of lands; creation of municipalities within the geographical
1265 limits of any spaceport territory; limitations on the furnishing
1266 of services within annexed areas.--
1267 (1) The board of directors may at any time strike out or
1268 correct the description of any land within or claimed to be
1269 within the boundary lines of any spaceport territory upon the
1270 written consent of the owners of all the land that would be
1271 included or excluded from the boundary lines of any spaceport
1272 territory or otherwise affected by the taking of such action,
1273 and of the owners of not less than the majority in acreage of
1274 all lands within any spaceport territory.
1275 (a) The board may enlarge the geographical limits of any
1276 spaceport territory to include any lands not then within any
1277 spaceport territory:
1278 1. Upon the written consent of the owners of all the land
1279 to be included in any spaceport territory and of the owners of
1280 not less than a majority in acreage of all the land then within
1281 any spaceport territory; or

1282 2. By resolution of the board approved at a special
1283 election called for such purpose, by vote of a majority of
1284 freeholders residing within the area to be annexed and a
1285 majority of freeholders residing within any spaceport territory.
1286 (b) The board of directors may contract the geographical
1287 limits of any spaceport territory so as to exclude from any
1288 spaceport territory any land then within any spaceport
1289 territory:
1290 1. Upon the written consent of the owners of all the land
1291 to be so excluded and of the owners of not less than a majority
1292 in acreage of all the land then within any spaceport territory;
1293 or
1294 2. By resolution of the board approved at a special
1295 election called for such purpose, by vote of a majority of
1296 freeholders residing within the area to be excluded and a
1297 majority of the freeholders residing within any spaceport
1298 territory.
1299 (2) Land, including property situated thereon, added to
1300 any spaceport territory in the manner provided in subsection (1)
1301 shall from the time of its inclusion within such spaceport
1302 territory be subject to all assessments thereafter levied and
1303 assessed on all other land or property of any spaceport
1304 territory similarly situated. Land, including property situated
1305 thereon, excluded from any spaceport territory in the manner
1306 provided in subsection (1) shall from the date of such exclusion
1307 be exempt from assessments thereafter imposed by Space Florida
1308 ~~the authority~~ but shall not be exempt from assessments
1309 theretofore levied or due with respect to such land or property,
1310 or from subsequent installments of assessments theretofore
1311 levied or assessed with respect thereto, and such assessments
1312 may be enforced and collected by or on behalf of Space Florida

1313 ~~the authority~~ in the same manner as if such land or property
1314 continued to be within the geographical limits of any spaceport
1315 territory.
1316 (3) In the event that the geographical limits of any
1317 spaceport territory as set forth in s. 331.304 are revised so as
1318 to include within any spaceport territory any areas not
1319 presently contained within any spaceport territory, Space
1320 Florida may ~~the authority shall~~ not engage in the business of
1321 furnishing electric power for sale in such annexed area, unless
1322 Space Florida ~~the authority~~ shall offer to purchase from any
1323 person who is at the time engaged in the business of making,
1324 generating, or distributing electricity for sale within such
1325 annexed area, such portion of its electric plant and property
1326 suitable and used for such business in connection therewith as
1327 lies within the limits of such annexed area, in a manner
1328 consistent with law.
1329 (4) Space Florida ~~The authority~~ shall designate new launch
1330 pads outside the present designated spaceport territories by
1331 statutory amendment of s. 331.304.
1332 Section 29. Section 331.331, Florida Statutes, is amended
1333 to read:
1334 331.331 Revenue bonds.--
1335 (1) Revenue bonds issued by Space Florida ~~the authority~~
1336 shall not be deemed revenue bonds issued by the state or its
1337 agencies for purposes of s. 11, Art. VII of the State
1338 Constitution and ss. 215.57-215.83. Space Florida ~~The authority~~
1339 shall include in its annual report to the Governor and
1340 Legislature, as provided in s. 331.310, a summary of the status
1341 of existing and proposed bonding projects.
1342 (2) The issuance of revenue bonds may be secured by or
1343 payable from the gross or net pledge of the revenues to be

1344 derived from any project or combination of projects, from the
1345 rates, fees, rentals, tolls, fares, or other charges to be
1346 collected from the users of any project or projects; from any
1347 revenue-producing undertaking or activity of Space Florida ~~the~~
1348 ~~authority~~; or from any source of pledged security. Such bonds
1349 shall not constitute an indebtedness of Space Florida ~~the~~
1350 ~~authority~~ unless such bonds are additionally secured by the full
1351 faith and credit of Space Florida ~~the authority~~. Bonds issued by
1352 Space Florida ~~the authority~~ are not secured by the full faith
1353 and credit of the State of Florida and do not constitute an
1354 obligation, either general or special, thereof.
1355 (3) Any two or more projects may be combined and
1356 consolidated into a single project, and may thereafter be
1357 operated and maintained as a single project. The revenue bonds
1358 authorized herein may be issued to finance any one or more such
1359 projects separately, or to finance two or more such projects,
1360 regardless whether or not such projects have been combined and
1361 consolidated into a single project. If the board deems it
1362 advisable, the proceedings authorizing such revenue bonds may
1363 provide that Space Florida ~~the authority~~ may thereafter combine
1364 the projects then being financed or theretofore financed with
1365 other projects to be subsequently financed by Space Florida ~~the~~
1366 ~~authority~~ shall be on a parity with the revenue bonds then being
1367 issued, all on such terms, conditions, and limitations as shall
1368 be provided, and may further provide that the revenues to be
1369 derived from the subsequent projects shall at the time of the
1370 issuance of such parity revenue bonds be also pledged to the
1371 holders of any revenue bonds theretofore issued to finance the
1372 revenue undertakings which are later combined with such
1373 subsequent projects. Space Florida ~~The authority~~ may pledge for

1374 the security of the revenue bonds a fixed amount, without regard
1375 to any fixed proportion of the gross revenues of any project.
1376 Section 30. Section 331.333, Florida Statutes, is amended
1377 to read:
1378 331.333 Refunding bonds.--Space Florida ~~The authority~~
1379 through its board may ~~shall have the power to~~ issue bonds to
1380 provide for the retirement or refunding of any bonds or
1381 obligations of Space Florida ~~the authority~~ that at the time of
1382 such issuance are or subsequently thereto become due and
1383 payable, or that at the time of issuance have been called or are
1384 or will be subject to call for redemption within 10 years
1385 thereafter, or the surrender of which can be procured from the
1386 holders thereof at prices satisfactory to the board. Refunding
1387 bonds may be issued at any time when in the judgment of the
1388 board such issuance will be advantageous to Space Florida ~~the~~
1389 ~~authority~~. The provisions of this act pertaining to bonds of
1390 Space Florida ~~the authority~~ shall, unless the context otherwise
1391 requires, govern the issuance of refunding bonds, the form and
1392 other details thereof, the rights of the holders thereof, and
1393 the duties of the board with respect to the same.
1394 Section 31. Section 331.334, Florida Statutes, is amended
1395 to read:
1396 331.334 Pledging assessments and other revenues and
1397 properties as additional security on bonds.--Space Florida ~~The~~
1398 ~~authority~~ may pledge as additional security for the payment of
1399 any of the bonds of Space Florida ~~the authority~~ its full faith
1400 and credit, and provide that such bonds shall be payable as to
1401 both principal and interest, and as to any reserve or other
1402 funds provided therefor, to the full extent that any revenues as
1403 defined in this act, assessments, or other funds, or any
1404 combination thereof, pledged therefor are insufficient for the

1405 full payment of the same, and provided further that no bonds
1406 shall be issued to the payment of which the full faith and
1407 credit of Space Florida ~~the authority~~ is pledged unless approved
1408 at an election in the manner provided by law. Space Florida ~~The~~
1409 ~~authority~~ by resolution of the board may also pledge as
1410 additional security for said bonds the revenues from any project
1411 of Space Florida ~~the authority~~, utility service, assessments,
1412 and any other sources of revenue or funds, or any combination of
1413 the foregoing, and may pledge or mortgage any of the properties,
1414 rights, interest, or other assets of Space Florida ~~the~~
1415 ~~authority~~. Bonds issued by Space Florida ~~the authority~~ are not
1416 secured by the full faith and credit of the State of Florida and
1417 do not constitute an obligation, either general or special,
1418 thereof. The board may also provide with respect to any bonds of
1419 Space Florida ~~the authority~~ that such bonds shall be payable, in
1420 whole or in part, as to principal amount or interest, or both,
1421 out of rates, fees, rentals, tolls, fares, or other charges
1422 collected with respect to any of the projects of Space Florida
1423 ~~the authority~~.
1424 Section 32. Section 331.335, Florida Statutes, is amended
1425 to read:
1426 331.335 Lien of pledges.--All pledges of revenues and
1427 assessments made pursuant to the provisions of this act shall be
1428 valid and binding from the time when such pledges are made. All
1429 such revenues and assessments so pledged and thereafter
1430 collected shall immediately be subject to the lien of such
1431 pledges without any physical delivery thereof or further action,
1432 and the lien of such pledges shall be valid and binding as
1433 against all parties having claims of any kind in tort, contract,
1434 or otherwise against Space Florida ~~the authority~~, irrespective
1435 of whether such parties have notice thereof.

1436 Section 33. Section 331.336, Florida Statutes, is amended
1437 to read:
1438 331.336 Issuance of bond anticipation notes.--In addition
1439 to the other powers provided for in this act and not in
1440 limitation thereof, Space Florida may ~~the authority shall have~~
1441 ~~the power~~, at any time from time to time after the issuance of
1442 any bonds of Space Florida ~~the authority shall~~ have been
1443 authorized, ~~to~~ borrow money for the purposes for which such
1444 bonds are to be issued in anticipation of the receipt of the
1445 proceeds of the sale of such bonds and ~~to~~ issue bond
1446 anticipation notes in a principal amount not in excess of the
1447 authorized maximum amount of such bond issue. Such notes shall
1448 be in such denomination or denominations, bear interest at such
1449 rate or rates, mature at such time or times, be renewable for
1450 such additional term or terms, and be in such form and executed
1451 in such manner as the board shall prescribe. Such notes may be
1452 sold at public sale, or if such notes shall be renewable notes,
1453 may be exchanged for notes then outstanding on such terms as the
1454 board shall determine. Such notes shall be paid from the
1455 proceeds of such bonds when issued. The board may in its
1456 discretion, in lieu of retiring the notes by means of bonds,
1457 retire them by means of current revenues or from any assessments
1458 levied for the payment of such bonds, but in such event a like
1459 amount of the bonds authorized shall not be issued.
1460 Section 34. Section 331.337, Florida Statutes, is amended
1461 to read:
1462 331.337 Short-term borrowing.--Space Florida ~~The authority~~
1463 at any time may obtain loans, in such amount and on such terms
1464 and conditions as the board may approve, for the purpose of
1465 paying any of the expenses of Space Florida ~~the authority~~ or any
1466 costs incurred or that may be incurred in connection with any of

1467 the projects of Space Florida ~~the authority~~, which loans shall
1468 have such term or terms, be renewable for such term or terms,
1469 bear interest at such rate or rates, and be payable from and
1470 secured by a pledge of such funds, revenues, and assessments as
1471 the board may determine. For the purpose of defraying such costs
1472 and expenses, Space Florida ~~the authority~~ may issue negotiable
1473 notes, warrants, or other evidences of debt signed on behalf of
1474 Space Florida ~~the authority~~ by any one of the board, such notes
1475 or other evidences of indebtedness to be payable at such time or
1476 times, to bear interest at such rate or rates, and to be sold or
1477 discounted at such price or prices and on such term or terms as
1478 the board may deem advisable. The board may ~~shall have the right~~
1479 ~~to~~ provide for the payment thereof by pledging the whole or any
1480 part of the funds, revenues, and assessments of Space Florida
1481 ~~the authority~~.
1482 Section 35. Section 331.338, Florida Statutes, is amended
1483 to read:
1484 331.338 Trust agreements.--In the discretion of the board,
1485 any issue of bonds may be secured by a trust agreement by and
1486 between Space Florida ~~the authority~~ and a corporate trustee
1487 which may be any trust company or bank having the powers of a
1488 trust company within or without the state. The resolution
1489 authorizing the issuance of the bonds or such trust agreement
1490 may pledge the revenues to be received from any projects of
1491 Space Florida ~~the authority~~ and any other authorized moneys to
1492 be used for the repayment of bonds, and may contain such
1493 provisions for protecting and enforcing the rights and remedies
1494 of the bondholders as the board may approve, including without
1495 limitation covenants setting forth the duties of Space Florida
1496 ~~the authority~~ in relation to the acquisition, planning,
1497 development, construction, reconstruction, improvement,

1498 maintenance, repair, operation, and insurance of any projects,
1499 the fixing and revision of the rates, fees, rentals, tolls,
1500 fares, and charges, and the custody, safeguarding, and
1501 application of all moneys, and for the employment of consulting
1502 engineers in connection with such acquisition, planning,
1503 development, construction, reconstruction, improvement,
1504 maintenance, repair, or operation. It shall be lawful for any
1505 bank or trust company incorporated under the laws of the state
1506 or the United States which may act as a depository of the
1507 proceeds of bonds or of revenues to furnish such indemnifying
1508 bonds or to pledge such securities as may be required by Space
1509 Florida ~~the authority~~. Such resolution or trust agreement may
1510 set forth the rights and remedies of the bondholders and of the
1511 trustee, if any, and may restrict the individual right of action
1512 by bondholders. The board may provide for the payment of the
1513 proceeds of the sale of the bonds and the revenues of any
1514 project to such officer, board, or depository as it may
1515 designate for the custody thereof, and for the method of
1516 disbursement thereof, with such safeguards and restrictions as
1517 it may determine. All expenses incurred in carrying out the
1518 provisions of such resolution or trust agreement may be treated
1519 as part of the cost of the project to which such trust agreement
1520 pertains.
1521 Section 36. Section 331.339, Florida Statutes, is amended
1522 to read:
1523 331.339 Sale of bonds.--Bonds may be sold in blocks or
1524 installments at different times, or an entire issue or series
1525 may be sold at one time. Bonds may only be sold at public sale
1526 after being advertised and publicly noticed, unless Space
1527 Florida ~~the authority~~ has previously complied with the
1528 provisions of s. 218.385. Bonds may be sold or exchanged for

1529 refunding bonds. Special assessment and revenue bonds may be
1530 delivered as payment by Space Florida ~~the authority~~ of the
1531 purchase price or lease of any project or part thereof, or a
1532 combination of projects or parts thereof, or as the purchase
1533 price of, or exchange for, any property, real, personal, or
1534 mixed, including franchises, or services rendered by any
1535 contractor, engineer, or other person, all at one time or in
1536 blocks from time to time, in such manner and upon such terms as
1537 the board in its discretion shall determine. The price or prices
1538 for any bonds sold, exchanged, or delivered may be:
1539 (1) The money paid for the bonds.
1540 (2) The principal amount, plus accrued interest to date of
1541 redemption or exchange, of outstanding obligations exchanged for
1542 refunding bonds.
1543 (3) In the case of special assessment or revenue bonds,
1544 the amount of any indebtedness to contractors or other persons
1545 paid with such bonds, or the fair value of any properties
1546 exchanged for the bonds, as determined by the board.
1547 Section 37. Section 331.340, Florida Statutes, is amended
1548 to read:
1549 331.340 Authorization and form of bonds.--Bonds may be
1550 authorized by resolution or resolutions of the board which shall
1551 be adopted by a majority of all of the members thereof then in
1552 office and present at the meeting at which the resolution or
1553 resolutions are adopted and shall be approved as provided in s.
1554 331.305. The resolution or resolutions of the board may be
1555 adopted at the same meeting at which they are introduced, and
1556 shall be published and noticed. The board may by resolution
1557 authorize the issuance of bonds, fix the aggregate amount of
1558 bonds to be issued, the purpose or purposes for which the moneys
1559 derived therefrom shall be expanded, the rate or rates of

1560 interest, the denomination of the bonds, whether or not the
1561 bonds are to be issued in one or more series, the date or dates
1562 thereof, the date or dates of maturity, which shall not exceed
1563 40 years from their respective dates of issuance, the medium of
1564 payment, the place or places within or without the state where
1565 payment shall be made, registration privileges, redemption terms
1566 and privileges (whether with or without premium), the manner of
1567 execution, the form of the bonds including any interest coupons
1568 to be attached thereto, the manner of execution of bonds and
1569 coupons, and any and all other terms, covenants, and conditions
1570 thereof, and the establishment of reserve or other funds. Such
1571 authorizing resolution may further provide that such bonds may
1572 be executed manually or by engraved, lithographed, or facsimile
1573 signature, provided that where signatures are engraved,
1574 lithographed, or facsimile no bond shall be valid unless
1575 countersigned by a registrar or other officer designated by
1576 appropriate resolution of the board. The seal of Space Florida
1577 ~~the authority~~ may be affixed, lithographed, engraved, or
1578 otherwise reproduced in facsimile on such bonds. In case any
1579 officer whose signature or a facsimile of whose signature shall
1580 appear on any bonds or coupons shall cease to be such officer
1581 before the delivery of such bonds, such signature or facsimile
1582 shall nevertheless be valid and sufficient for all purposes the
1583 same as if the officer had remained in office until such
1584 delivery.
1585 Section 38. Section 331.343, Florida Statutes, is amended
1586 to read:
1587 331.343 Defeasance.--The board may make such provision
1588 with respect to the defeasance of the right, title, and interest
1589 of the holders of any of the bonds and obligations of Space
1590 Florida ~~the authority~~ in any revenues, funds, or other

1591 properties by which such bonds are secured as the board deems
1592 appropriate and, without limitation on the foregoing, may
1593 provide that when such bonds or obligations become due and
1594 payable or shall have been called for redemption, and the whole
1595 amount of the principal and the interest and premium, if any,
1596 due and payable upon the bonds or obligations when outstanding
1597 shall be paid, or sufficient moneys or direct obligations of the
1598 United States Government the principal of and the interest on
1599 which when due will provide sufficient moneys, shall be held or
1600 deposited in trust for such purpose, and provision shall also be
1601 made for paying all other sums payable in connection with such
1602 bonds or other obligations, then and in such event the right,
1603 title, and interest of the holders of the bonds in any revenues,
1604 funds, or other properties by which such bonds are secured shall
1605 thereupon cease, terminate, and become void; and the board may
1606 apply any surplus in any sinking fund established in connection
1607 with such bonds or obligations and all balances remaining in all
1608 other funds or accounts other than money held for the redemption
1609 or payment of the bonds or other obligations to any lawful
1610 purpose of Space Florida ~~the authority~~ as the board shall
1611 determine.
1612 Section 39. Section 331.345, Florida Statutes, is amended
1613 to read:
1614 331.345 Covenants.--Any resolution authorizing the
1615 issuance of bonds may contain such covenants as the board may
1616 deem advisable and all such covenants shall constitute valid and
1617 legally binding and enforceable contracts between Space Florida
1618 ~~the authority~~ and the bondholders, regardless of the time of
1619 issuance thereof. Such covenants may include, without
1620 limitation, covenants concerning the disposition of the bond
1621 proceeds, the use and disposition of project revenues, the

1622 pledging of revenues, and assessments, the obligations of Space
1623 Florida ~~the authority~~ with respect to the operation of the
1624 project and the maintenance of adequate project revenues, the
1625 issuance of additional bonds, the appointment, powers, and
1626 duties of trustees and receivers, the acquisition of outstanding
1627 bonds and obligations, restrictions on the establishing of
1628 competing projects or facilities, restrictions on the sale or
1629 disposal of the assets and property of Space Florida ~~the~~
1630 ~~authority~~, the priority of assessment liens, the priority of
1631 claims by bondholders on the taxing power of Space Florida ~~the~~
1632 ~~authority~~, the maintenance of deposits to assure the payment of
1633 revenues by users of spaceport facilities and services, the
1634 discontinuance of Space Florida ~~authority~~ services by reason of
1635 delinquent payments, acceleration upon default, the execution of
1636 necessary instruments, the procedure for amending or abrogating
1637 covenants with the bondholders, and such other covenants as may
1638 be deemed necessary or desirable for the security of the
1639 bondholders.
1640 Section 40. Section 331.346, Florida Statutes, is amended
1641 to read:
1642 331.346 Validity of bonds; validation proceedings.--Any
1643 bonds issued by Space Florida ~~the authority~~ shall be
1644 incontestable in the hands of bona fide purchasers or holders
1645 for value and shall not be invalid because of any irregularity
1646 or defect in the proceedings for the issue and sale thereof.
1647 Prior to the issuance of any bonds, Space Florida ~~the authority~~
1648 shall publish a notice at least once in a newspaper or
1649 newspapers published or of general circulation in the
1650 appropriate counties in the state, stating the date of adoption
1651 of the resolution authorizing such obligations, the amount,
1652 maximum rate of interest, and maturity of such obligations, and

1653 the purpose in general terms for which such obligations are to
1654 be issued, and further stating that no action or proceeding
1655 questioning the validity of such obligations or of the
1656 proceedings authorizing the issuance thereof, or of any
1657 covenants made therein, must be instituted within 20 days after
1658 the first publication of such notice, or the validity of such
1659 obligations, proceedings, and covenants shall not be thereafter
1660 questioned in any court whatsoever. If no such action or
1661 proceeding is so instituted within such 20-day period, then the
1662 validity of such obligations, proceedings, and covenants shall
1663 be conclusive, and all persons or parties whatsoever shall be
1664 forever barred from questioning the validity of such
1665 obligations, proceedings, or covenants in any court whatsoever.
1666 Section 41. Section 331.347, Florida Statutes, is amended
1667 to read:
1668 331.347 Act furnishes full authority for issuance of
1669 bonds.--This act constitutes full and complete authority for the
1670 issuance of bonds and the exercise of the powers of Space
1671 Florida ~~the authority~~ provided herein. Any and all bonds issued
1672 by Space Florida ~~the authority~~ shall not be secured by the full
1673 faith and credit of the State of Florida and do not constitute
1674 an obligation, either general or special, thereof.
1675 Section 42. Section 331.348, Florida Statutes, is amended
1676 to read:
1677 331.348 Investment of funds.--The board may in its
1678 discretion invest funds of Space Florida ~~the authority~~ through
1679 the Chief Financial Officer or in:
1680 (1) Direct obligations of or obligations guaranteed by the
1681 United States or for the payment of the principal and interest
1682 of which the faith and credit of the United States is pledged;

1683 (2) Bonds or notes issued by any of the following federal
1684 agencies: Bank for Cooperatives; federal intermediate credit
1685 banks; federal home loan bank system; federal land banks; or the
1686 Federal National Mortgage Association (including debentures or
1687 participating certificates issued by such association);
1688 (3) Public housing bonds issued by public housing
1689 authorities and secured by a pledge or annual contributions
1690 under an annual contribution contract or contracts with the
1691 United States;
1692 (4) Bonds or other interest-bearing obligations of any
1693 county, district, city, or town located in the state for which
1694 the full faith and credit of such political subdivision is
1695 pledged;
1696 (5) Any investment authorized for insurers by ss. 625.306-
1697 625.316 and amendments thereto; or
1698 (6) Any investment authorized under s. 17.57 and
1699 amendments thereto.
1700 Section 43. Section 331.349, Florida Statutes, is amended
1701 to read:
1702 331.349 Fiscal year of Space Florida ~~the authority~~.--The
1703 board may ~~has the power to~~ establish and from time to time
1704 redetermine the fiscal year of Space Florida ~~the authority~~.
1705 Unless the board otherwise provides, Space Florida's ~~the~~
1706 ~~authority's~~ fiscal year shall be July 1 through June 30.
1707 Section 44. Section 331.350, Florida Statutes, is amended
1708 to read:
1709 331.350 Insurance coverage of Space Florida ~~the authority~~;
1710 safety program.--
1711 (1) Notwithstanding any other provision of law, the State
1712 Risk Management Trust Fund established under s. 284.30 may ~~shall~~

1713 not insure buildings and property owned or leased by Space
1714 Florida ~~the authority~~.
1715 (2) Notwithstanding any other provision of law, the State
1716 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1717 not insure against any liability of Space Florida ~~the authority~~.
1718 (3) Space Florida ~~The authority~~ shall establish a safety
1719 program. The safety program shall include:
1720 (a) The development and implementation of a loss
1721 prevention program which shall consist of a comprehensive
1722 ~~authority wide~~ safety program for all of Space Florida,
1723 including a statement, established by the board of directors
1724 ~~supervisors~~, of safety policy and responsibility.
1725 (b) Provision for regular and periodic facility and
1726 equipment inspections.
1727 (c) Investigation of job-related employee accidents and
1728 other accidents occurring on the premises of Space Florida ~~the~~
1729 ~~authority~~ or within areas of its jurisdiction.
1730 (d) Establishment of a program to promote increased safety
1731 awareness among employees, agents, and subcontractors of Space
1732 Florida ~~the authority~~.
1733 (4)(a) Space Florida ~~The authority~~ shall, if available,
1734 secure insurance coverage within reasonable limits for liability
1735 which may arise as a consequence of its responsibilities.
1736 (b) Space Florida ~~The authority~~ shall, if available, and
1737 if cost-effective, secure insurance coverage on its buildings,
1738 facilities, and property at reasonable levels.
1739 (c) Space Florida ~~The authority~~, with respect to the
1740 purchase of insurance, shall be subject to the applicable
1741 provisions of chapter 287 and other applicable law.
1742 Section 45. Section 331.351, Florida Statutes, is amended
1743 to read:

1744 331.351 Participation by women, minorities, and socially
1745 and economically disadvantaged business enterprises
1746 encouraged.--It is the intent of the Legislature and the public
1747 policy of this state that women, minorities, and socially and
1748 economically disadvantaged business enterprises be encouraged to
1749 participate fully in all phases of economic and community
1750 development. Accordingly, to achieve such purpose, Space Florida
1751 ~~the authority~~ shall, in accordance with applicable state and
1752 federal law, involve and utilize women, minorities, and socially
1753 and economically disadvantaged business enterprises in all
1754 phases of the design, development, construction, maintenance,
1755 and operation of spaceports developed under this act.
1756 Section 46. Section 331.354, Florida Statutes, is amended
1757 to read:
1758 331.354 Tax exemption.--The exercise of the powers granted
1759 by this act in all respects shall be for the benefit of the
1760 people of the state, for the increase of their industry and
1761 prosperity, for the improvement of their health and living
1762 conditions, and for the provision of gainful employment and
1763 shall constitute the performance of essential public functions.
1764 Space Florida is ~~The authority shall~~ not ~~be~~ required to pay any
1765 taxes on any project or any other property owned by Space
1766 Florida ~~the authority~~ under ~~the provisions of~~ this act or upon
1767 the income therefrom. The bonds issued under ~~the provisions of~~
1768 this act or upon the income therefrom (including any profit made
1769 on the sale thereof), and all notes, mortgages, security
1770 agreements, letters of credit, or other instruments which arise
1771 out of or are given to secure the repayment of bonds issued in
1772 connection with a project financed under this act, shall at all
1773 times be free from taxation by the state or any local unit,
1774 political subdivision, or other instrumentality of the state.

1775 ~~Nothing in~~ This section, however, does not exempt ~~shall be~~
1776 ~~construed as exempting~~ from taxation or assessments the
1777 leasehold interest of a lessee in any project or any other
1778 property or interest owned by the lessee. The exemption granted
1779 by this section is ~~shall~~ not ~~be~~ applicable to any tax imposed by
1780 chapter 220 on interest, income, or profits on debt obligations
1781 owned by corporations.
1782 Section 47. Section 331.355, Florida Statutes, is amended
1783 to read:
1784 331.355 Use of name; ownership rights to intellectual
1785 property.--
1786 (1)(a) The corporate name of a corporation incorporated or
1787 authorized to transact business in this state, or the name of
1788 any person or business entity transacting business in this
1789 state, may not use the words "Space Florida," "Florida Space
1790 Authority," "Florida Aerospace Finance Corporation," "Florida
1791 Space Research Institute," "spaceport Florida," or "Florida
1792 spaceport" in its name unless the Space Florida board of
1793 directors ~~the authority~~ gives written approval for such use.
1794 (b) The Department of State may dissolve, pursuant to s.
1795 607.1421, any corporation that violates paragraph (a).
1796 (2) Notwithstanding any provision of chapter 286, the
1797 legal title and every right, interest, claim, or demand of any
1798 kind in and to any patent, trademark, copyright, certification
1799 mark, or other right acquired under the patent and trademark
1800 laws of the United States or this state or any foreign country,
1801 or the application for the same, as is owned or held, acquired,
1802 or developed by Space Florida ~~the authority~~, under the authority
1803 and directions given it by this part, is vested in Space Florida
1804 ~~the authority~~ for the use, benefit, and purposes provided in
1805 this part. Space Florida ~~The authority~~ is vested with and is

1806 authorized to exercise any and all of the normal incidents of
1807 such ownership, including the receipt and disposition of
1808 royalties. Any sums received as royalties from any such rights
1809 are hereby appropriated to Space Florida ~~the authority~~ for any
1810 and all of the purposes and uses provided in this part.
1811 Section 48. Section 331.360, Florida Statutes, is amended
1812 to read:
1813 331.360 Joint participation ~~project~~ agreement or
1814 assistance; spaceport master plan.--
1815 (1) It shall be the duty, function, and responsibility of
1816 the Department of Transportation to promote the further
1817 development and improvement of aerospace transportation
1818 facilities; to address intermodal requirements and impacts of
1819 the launch ranges, spaceports, and other space transportation
1820 facilities; to assist in the development of joint-use facilities
1821 and technology that support aviation and aerospace operations;
1822 to coordinate and cooperate in the development of spaceport
1823 infrastructure and related transportation facilities contained
1824 in the Strategic Intermodal System Plan; where appropriate, to
1825 encourage the cooperation and integration of airports and
1826 spaceports in order to meet transportation-related needs; and to
1827 facilitate and promote cooperative efforts between federal and
1828 state government entities to improve space transportation
1829 capacity and efficiency. In carrying out this duty and
1830 responsibility, the department may assist and advise, cooperate
1831 with, and coordinate with federal, state, local, or private
1832 organizations and individuals. The department may
1833 administratively house its space transportation responsibilities
1834 within an existing division or office.
1835 (2) Notwithstanding any other provision of law, the
1836 Department of Transportation shall ~~may~~ enter into a joint

1837 participation ~~project~~ agreement with, or otherwise assist, ~~the~~
1838 ~~Florida~~ Space Florida ~~Authority~~ as necessary to effectuate the
1839 provisions of this chapter and may allocate funds for such
1840 purposes in its 5-year work program. However, the department may
1841 not fund the administrative or operational costs of Space
1842 Florida ~~the authority~~.
1843 (3) Space Florida ~~The authority~~ shall develop a spaceport
1844 master plan for expansion and modernization of space
1845 transportation facilities within spaceport territories as
1846 defined in s. 331.303~~(23)~~. The plan shall contain recommended
1847 projects to meet current and future commercial, national, and
1848 state space transportation requirements. Space Florida ~~The~~
1849 ~~authority~~ shall submit the plan to any appropriate metropolitan
1850 planning organization ~~M.P.O.~~ for review of intermodal impacts.
1851 Space Florida ~~The authority~~ shall submit the spaceport master
1852 plan to the Department of Transportation, and such plan may be
1853 included within the department's 5-year work program of
1854 qualifying aerospace discretionary capacity improvement under
1855 subsection (4). The plan shall identify appropriate funding
1856 levels and include recommendations on appropriate sources of
1857 revenue that may be developed to contribute to the State
1858 Transportation Trust Fund.
1859 (4) Subject to the availability of appropriated funds, the
1860 department may participate in the capital cost of eligible
1861 spaceport discretionary capacity improvement projects. The
1862 annual legislative budget request shall be based on the proposed
1863 funding requested for approved spaceport discretionary capacity
1864 improvement projects.
1865 Section 49. Section 331.369, Florida Statutes, is amended
1866 to read:
1867 331.369 Space Industry Workforce Initiative.--

1868 (1) The Legislature finds that the aerospace ~~space~~
1869 industry is critical to the economic future of the state and
1870 that the competitiveness of the industry in the state depends
1871 upon the development and maintenance of a qualified workforce.
1872 The Legislature further finds that the aerospace ~~space~~ industry
1873 in this state has diverse and complex workforce needs,
1874 including, but not limited to, the need for qualified entry-
1875 level workers, the need to upgrade the skills of technician-
1876 level incumbent workers, and the need to ensure continuing
1877 education opportunities for workers with advanced educational
1878 degrees. It is the intent of the Legislature to support programs
1879 designed to address the workforce development needs of the
1880 aerospace ~~space~~ industry in this state.
1881 (2) The Workforce Development Board of Enterprise Florida,
1882 Inc., or it successor entity, shall coordinate development of a
1883 Space Industry Workforce Initiative in partnership with Space
1884 Florida, ~~the Florida Space Research Institute, the institute's~~
1885 ~~consortium of~~ public and private universities, community
1886 colleges, and other training providers approved by the board.
1887 The purpose of the initiative is to use or revise existing
1888 programs and to develop innovative new programs to address the
1889 workforce needs of the aerospace ~~space~~ industry.
1890 (3) The initiative shall emphasize:
1891 (a) Curricula content and timeframes developed with
1892 industry participation and endorsed by the industry;
1893 (b) Programs that certify persons completing training as
1894 meeting industry-approved standards or competencies;
1895 (c) Use of distance-learning and computer-based training
1896 modules as appropriate and feasible;

1897 (d) Industry solicitation of public and private
1898 universities to develop continuing education programs at the
1899 master's and doctoral levels;
1900 (e) Agreements with the National Aeronautics and Space
1901 Administration to replicate on a national level successful
1902 training programs developed through the initiative; and
1903 (f) Leveraging of state and federal workforce funds.
1904 (4) The Workforce Development Board of Enterprise Florida,
1905 Inc., or its successor entity, with the assistance of Space
1906 Florida ~~the Florida Space Research Institute~~, shall convene
1907 representatives from the aerospace ~~space~~ industry to identify
1908 the priority training and education needs of the industry and to
1909 appoint a team to design programs to meet the ~~such~~ priority
1910 needs.
1911 (5) The Workforce Development Board of Enterprise Florida,
1912 Inc., or its successor entity, as part of its statutorily
1913 prescribed annual report to the Legislature, shall provide
1914 recommendations for policies, programs, and funding to enhance
1915 the workforce needs of the aerospace ~~space~~ industry.
1916 Section 50. Paragraph (g) of subsection (2) of section
1917 14.2015, Florida Statutes, is amended to read:
1918 14.2015 Office of Tourism, Trade, and Economic
1919 Development; creation; powers and duties.--
1920 (2) The purpose of the Office of Tourism, Trade, and
1921 Economic Development is to assist the Governor in working with
1922 the Legislature, state agencies, business leaders, and economic
1923 development professionals to formulate and implement coherent
1924 and consistent policies and strategies designed to provide
1925 economic opportunities for all Floridians. To accomplish such
1926 purposes, the Office of Tourism, Trade, and Economic Development
1927 shall:

1928 (g) Serve as contract administrator for the state with
1929 respect to contracts with Enterprise Florida, Inc., the Florida
1930 Commission on Tourism, Space Florida, and all direct-support
1931 organizations under this act, excluding those relating to
1932 tourism. To accomplish the provisions of this act and applicable
1933 provisions of chapter 288, and notwithstanding the provisions of
1934 part I of chapter 287, the office shall enter into specific
1935 contracts with Enterprise Florida, Inc., the Florida Commission
1936 on Tourism, Space Florida, and other appropriate direct-support
1937 organizations. Such contracts may be multiyear and shall include
1938 specific performance measures for each year.
1939 Section 51. Section 74.011, Florida Statutes, is amended
1940 to read:
1941 74.011 Scope.--In any eminent domain action, properly
1942 instituted by and in the name of the state; the Department of
1943 Transportation; any county, school board, municipality,
1944 expressway authority, regional water supply authority,
1945 transportation authority, flood control district, or drainage or
1946 subdrainage district; the ship canal authority; any lawfully
1947 constituted housing, port, or aviation authority; ~~the Florida~~
1948 ~~Space Authority;~~ or any rural electric cooperative, telephone
1949 cooperative corporation, or public utility corporation, the
1950 petitioner may avail itself of the provisions of this chapter to
1951 take possession and title in advance of the entry of final
1952 judgment.
1953 Section 52. Subsection (6) of section 196.012, Florida
1954 Statutes, is amended to read:
1955 196.012 Definitions.--For the purpose of this chapter, the
1956 following terms are defined as follows, except where the context
1957 clearly indicates otherwise:

1958 (6) Governmental, municipal, or public purpose or function
1959 shall be deemed to be served or performed when the lessee under
1960 any leasehold interest created in property of the United States,
1961 the state or any of its political subdivisions, or any
1962 municipality, agency, special district, authority, or other
1963 public body corporate of the state is demonstrated to perform a
1964 function or serve a governmental purpose which could properly be
1965 performed or served by an appropriate governmental unit or which
1966 is demonstrated to perform a function or serve a purpose which
1967 would otherwise be a valid subject for the allocation of public
1968 funds. For purposes of the preceding sentence, an activity
1969 undertaken by a lessee which is permitted under the terms of its
1970 lease of real property designated as an aviation area on an
1971 airport layout plan which has been approved by the Federal
1972 Aviation Administration and which real property is used for the
1973 administration, operation, business offices and activities
1974 related specifically thereto in connection with the conduct of
1975 an aircraft full service fixed base operation which provides
1976 goods and services to the general aviation public in the
1977 promotion of air commerce shall be deemed an activity which
1978 serves a governmental, municipal, or public purpose or function.
1979 Any activity undertaken by a lessee which is permitted under the
1980 terms of its lease of real property designated as a public
1981 airport as defined in s. 332.004(14) by municipalities,
1982 agencies, special districts, authorities, or other public bodies
1983 corporate and public bodies politic of the state, a spaceport as
1984 defined in s. 331.303~~(19)~~, or which is located in a deepwater
1985 port identified in s. 403.021(9)(b) and owned by one of the
1986 foregoing governmental units, subject to a leasehold or other
1987 possessory interest of a nongovernmental lessee that is deemed
1988 to perform an aviation, airport, aerospace, maritime, or port

1989 purpose or operation shall be deemed an activity that serves a
1990 governmental, municipal, or public purpose. The use by a lessee,
1991 licensee, or management company of real property or a portion
1992 thereof as a convention center, visitor center, sports facility
1993 with permanent seating, concert hall, arena, stadium, park, or
1994 beach is deemed a use that serves a governmental, municipal, or
1995 public purpose or function when access to the property is open
1996 to the general public with or without a charge for admission. If
1997 property deeded to a municipality by the United States is
1998 subject to a requirement that the Federal Government, through a
1999 schedule established by the Secretary of the Interior, determine
2000 that the property is being maintained for public historic
2001 preservation, park, or recreational purposes and if those
2002 conditions are not met the property will revert back to the
2003 Federal Government, then such property shall be deemed to serve
2004 a municipal or public purpose. The term "governmental purpose"
2005 also includes a direct use of property on federal lands in
2006 connection with the Federal Government's Space Exploration
2007 Program or spaceport activities as defined in s. 212.02(22).
2008 Real property and tangible personal property owned by the
2009 Federal Government or Space Florida ~~the Florida Space Authority~~
2010 and used for defense and space exploration purposes or which is
2011 put to a use in support thereof shall be deemed to perform an
2012 essential national governmental purpose and shall be exempt.
2013 "Owned by the lessee" as used in this chapter does not include
2014 personal property, buildings, or other real property
2015 improvements used for the administration, operation, business
2016 offices and activities related specifically thereto in
2017 connection with the conduct of an aircraft full service fixed
2018 based operation which provides goods and services to the general
2019 aviation public in the promotion of air commerce provided that

2020 the real property is designated as an aviation area on an
2021 airport layout plan approved by the Federal Aviation
2022 Administration. For purposes of determination of "ownership,"
2023 buildings and other real property improvements which will revert
2024 to the airport authority or other governmental unit upon
2025 expiration of the term of the lease shall be deemed "owned" by
2026 the governmental unit and not the lessee. Providing two-way
2027 telecommunications services to the public for hire by the use of
2028 a telecommunications facility, as defined in s. 364.02(15), and
2029 for which a certificate is required under chapter 364 does not
2030 constitute an exempt use for purposes of s. 196.199, unless the
2031 telecommunications services are provided by the operator of a
2032 public-use airport, as defined in s. 332.004, for the operator's
2033 provision of telecommunications services for the airport or its
2034 tenants, concessionaires, or licensees, or unless the
2035 telecommunications services are provided by a public hospital.
2036 However, property that is being used to provide such
2037 telecommunications services on or before October 1, 1997, shall
2038 remain exempt, but such exemption expires October 1, 2004.
2039 Section 53. Subsection (22) of section 212.02, Florida
2040 Statutes, is amended to read:
2041 212.02 Definitions.--The following terms and phrases when
2042 used in this chapter have the meanings ascribed to them in this
2043 section, except where the context clearly indicates a different
2044 meaning:
2045 (22) "Spaceport activities" means activities directed or
2046 sponsored by Space Florida ~~the Florida Space Authority~~ on
2047 spaceport territory pursuant to its powers and responsibilities
2048 under the Space Florida Act ~~Florida Space Authority Act~~.
2049 Section 54. Subsection (7) of section 288.063, Florida
2050 Statutes, is amended to read:

2051 288.063 Contracts for transportation projects.--
2052 (7) For the purpose of this section, Space Florida ~~the~~
2053 ~~Florida Space Authority~~ may serve as the local government or as
2054 the contracting agency for transportation projects within
2055 spaceport territory as defined by s. 331.304.
2056 Section 55. Subsection (1) of section 288.075, Florida
2057 Statutes, is amended to read:
2058 288.075 Confidentiality of records.--
2059 (1) As used in this section, the term "economic
2060 development agency" means the Office of Tourism, Trade, and
2061 Economic Development, any industrial development authority
2062 created in accordance with part III of chapter 159 or by special
2063 law, Space Florida ~~the Florida Space Authority~~ created in part
2064 II of chapter 331, ~~the Florida Aerospace Finance Corporation~~
2065 ~~created in part III of chapter 331,~~ the public economic
2066 development agency of a county or municipality, or any research
2067 and development authority created in accordance with part V of
2068 chapter 159. The term also includes any private agency, person,
2069 partnership, corporation, or business entity when authorized by
2070 the state, a municipality, or a county to promote the general
2071 business interests or industrial interests of the state or that
2072 municipality or county.
2073 Section 56. Subsection (2) of section 288.35, Florida
2074 Statutes, is amended to read:
2075 288.35 Definitions.--The following terms, wherever used or
2076 referred to in this part, shall have the following meanings:
2077 (2) "Government agency" means the state or any county or
2078 political subdivision thereof; any state agency; any
2079 consolidated government of a county, and some or all of the
2080 municipalities located within the ~~said~~ county; any chartered
2081 municipality in the state; and any of the institutions of such

2082 consolidated governments, counties, or municipalities.
2083 Specifically included are airports, port authorities, industrial
2084 authorities, and Space Florida ~~the Florida Space Authority~~.
2085 Section 57. Subsection (2) of section 288.9415, Florida
2086 Statutes, is amended to read:
2087 288.9415 International Trade Grants.--
2088 (2) A county, municipality, economic development council,
2089 Space Florida ~~the Florida Space Authority~~, or a not-for-profit
2090 association of businesses organized to assist in the promotion
2091 of international trade may apply for a grant of state funds for
2092 the promotion of international trade.
2093 Section 58. Paragraph (j) of subsection (5) of section
2094 212.08, Florida Statutes, is amended to read:
2095 212.08 Sales, rental, use, consumption, distribution, and
2096 storage tax; specified exemptions.--The sale at retail, the
2097 rental, the use, the consumption, the distribution, and the
2098 storage to be used or consumed in this state of the following
2099 are hereby specifically exempt from the tax imposed by this
2100 chapter.
2101 (5) EXEMPTIONS; ACCOUNT OF USE.--
2102 (j) Machinery and equipment used in semiconductor,
2103 defense, or space technology production and research and
2104 development.--
2105 1.a. Industrial machinery and equipment used in
2106 semiconductor technology facilities certified under subparagraph
2107 6. to manufacture, process, compound, or produce semiconductor
2108 technology products for sale or for use by these facilities are
2109 exempt from the tax imposed by this chapter. For purposes of
2110 this paragraph, industrial machinery and equipment includes
2111 molds, dies, machine tooling, other appurtenances or accessories
2112 to machinery and equipment, testing equipment, test beds,

2113 computers, and software, whether purchased or self-fabricated,
2114 and, if self-fabricated, includes materials and labor for
2115 design, fabrication, and assembly.
2116 b. Industrial machinery and equipment used in defense or
2117 space technology facilities certified under subparagraph 6. to
2118 design, manufacture, assemble, process, compound, or produce
2119 defense technology products or space technology products for
2120 sale or for use by these facilities are exempt from ~~25 percent~~
2121 ~~of~~ the tax imposed by this chapter.
2122 2.a. Machinery and equipment are exempt from the tax
2123 imposed by this chapter if used predominately in semiconductor
2124 wafer research and development activities in a semiconductor
2125 technology research and development facility certified under
2126 subparagraph 6. For purposes of this paragraph, machinery and
2127 equipment includes molds, dies, machine tooling, other
2128 appurtenances or accessories to machinery and equipment, testing
2129 equipment, test beds, computers, and software, whether purchased
2130 or self-fabricated, and, if self-fabricated, includes materials
2131 and labor for design, fabrication, and assembly.
2132 b. Machinery and equipment are exempt from ~~25 percent of~~
2133 the tax imposed by this chapter if used predominately in defense
2134 or space research and development activities in a defense or
2135 space technology research and development facility certified
2136 under subparagraph 6.
2137 3. Building materials purchased for use in manufacturing
2138 or expanding clean rooms in semiconductor-manufacturing
2139 facilities are exempt from the tax imposed by this chapter.
2140 4. In addition to meeting the criteria mandated by
2141 subparagraph 1., subparagraph 2., or subparagraph 3., a business
2142 must be certified by the Office of Tourism, Trade, and Economic

2143 Development as authorized in this paragraph in order to qualify
2144 for exemption under this paragraph.
2145 5. For items purchased tax exempt pursuant to this
2146 paragraph, possession of a written certification from the
2147 purchaser, certifying the purchaser's entitlement to exemption
2148 pursuant to this paragraph, relieves the seller of the
2149 responsibility of collecting the tax on the sale of such items,
2150 and the department shall look solely to the purchaser for
2151 recovery of tax if it determines that the purchaser was not
2152 entitled to the exemption.
2153 6.a. To be eligible to receive the exemption provided by
2154 subparagraph 1., subparagraph 2., or subparagraph 3., a
2155 qualifying business entity shall initially apply to Enterprise
2156 Florida, Inc. The original certification shall be valid for a
2157 period of 2 years. In lieu of submitting a new application, the
2158 original certification may be renewed biennially by submitting
2159 to the Office of Tourism, Trade, and Economic Development a
2160 statement, certified under oath, that there has been no material
2161 change in the conditions or circumstances entitling the business
2162 entity to the original certification. The initial application
2163 and certification renewal statement shall be developed by the
2164 Office of Tourism, Trade, and Economic Development in
2165 consultation with Enterprise Florida, Inc.
2166 b. Enterprise Florida, Inc., shall review each submitted
2167 initial application and information and determine whether or not
2168 the application is complete within 5 working days. Once an
2169 application is complete, Enterprise Florida, Inc., shall, within
2170 10 working days, evaluate the application and recommend approval
2171 or disapproval of the application to the Office of Tourism,
2172 Trade, and Economic Development.

2173 c. Upon receipt of the initial application and
2174 recommendation from Enterprise Florida, Inc., or upon receipt of
2175 a certification renewal statement, the Office of Tourism, Trade,
2176 and Economic Development shall certify within 5 working days
2177 those applicants who are found to meet the requirements of this
2178 section and notify the applicant, Enterprise Florida, Inc., and
2179 the department of the original certification or certification
2180 renewal. If the Office of Tourism, Trade, and Economic
2181 Development finds that the applicant does not meet the
2182 requirements of this section, it shall notify the applicant and
2183 Enterprise Florida, Inc., within 10 working days that the
2184 application for certification has been denied and the reasons
2185 for denial. The Office of Tourism, Trade, and Economic
2186 Development has final approval authority for certification under
2187 this section.
2188 ~~7.a. A business may apply once each year for the~~
2189 ~~exemption.~~
2190 d.~~b.~~ The initial application and certification renewal
2191 statement must indicate, for program evaluation purposes only,
2192 the average number of full-time equivalent employees at the
2193 facility over the preceding calendar year, the average wage and
2194 benefits paid to those employees over the preceding calendar
2195 year, the total investment made in real and tangible personal
2196 property over the preceding calendar year, and the total value
2197 of tax-exempt purchases and taxes exempted during the previous
2198 year. The department shall assist the Office of Tourism, Trade,
2199 and Economic Development in evaluating and verifying information
2200 provided in the application for exemption.
2201 e.~~c.~~ The Office of Tourism, Trade, and Economic
2202 Development may use the information reported on the initial
2203 application and certification renewal statement for evaluation

2204 purposes only and shall prepare an annual report on the
2205 exemption program and its cost and impact. The annual report for
2206 the preceding fiscal year shall be submitted to the Governor,
2207 the President of the Senate, and the Speaker of the House of
2208 Representatives by September 30 of each fiscal year.

2209 7.~~8.~~ A business certified to receive this exemption may
2210 elect to designate one or more state universities or community
2211 colleges as recipients of up to 100 percent of the amount of the
2212 exemption for which they may qualify. To receive these funds,
2213 the institution must agree to match the funds so earned with
2214 equivalent cash, programs, services, or other in-kind support on
2215 a one-to-one basis in the pursuit of research and development
2216 projects as requested by the certified business. The rights to
2217 any patents, royalties, or real or intellectual property must be
2218 vested in the business unless otherwise agreed to by the
2219 business and the university or community college.

2220 8.~~9.~~ As used in this paragraph, the term:

2221 a. "Predominately" means at least 50 percent of the time
2222 in qualifying research and development.

2223 b. "Research and development" means basic and applied
2224 research in the science or engineering, as well as the design,
2225 development, and testing, of prototypes or processes of new or
2226 improved products, including the design, development, and
2227 testing of space launch vehicles, space flight vehicles,
2228 missiles, satellites, or research payloads, avionics, and
2229 associated control systems and processing systems, and
2230 components of any of the foregoing. Research and development
2231 does not include market research, routine consumer product
2232 testing, sales research, research in the social sciences or
2233 psychology, or similar nontechnological activities~~,~~ or ~~technical~~
2234 services.

2235 c. "Semiconductor technology products" means raw
2236 semiconductor wafers or semiconductor thin films that are
2237 transformed into semiconductor memory or logic wafers, including
2238 wafers containing mixed memory and logic circuits; related
2239 assembly and test operations; active-matrix flat panel displays;
2240 semiconductor chips; semiconductor lasers; optoelectronic
2241 elements; and related semiconductor technology products as
2242 determined by the Office of Tourism, Trade, and Economic
2243 Development.
2244 d. "Clean rooms" means manufacturing facilities enclosed
2245 in a manner that meets the clean manufacturing requirements
2246 necessary for high-technology semiconductor-manufacturing
2247 environments.
2248 e. "Defense technology products" means products that have
2249 a military application, including, but not limited to, weapons,
2250 weapons systems, guidance systems, surveillance systems,
2251 communications or information systems, munitions, aircraft,
2252 vessels, or boats, or components thereof, which are intended for
2253 military use and manufactured in performance of a contract with
2254 the United States Department of Defense or the military branch
2255 of a recognized foreign government or a subcontract thereunder
2256 which relates to matters of national defense.
2257 f. "Space technology products" means products that are
2258 specifically designed or manufactured for application in space
2259 activities, including, but not limited to, space launch
2260 vehicles, <u>space flight vehicles,</u> missiles, satellites or
2261 research payloads, avionics, and associated control systems and
2262 processing systems <u>and components of any of the foregoing</u>. The
2263 term does not include products that are designed or manufactured
2264 for general commercial aviation or other uses even though those
2265 products may also serve an incidental use in space applications.

2266 Section 59. Section 1004.86, Florida Statutes, is created
2267 to read:
2268 1004.86 Florida Center for Mathematics and Science
2269 Education Research.--
2270 (1) The Department of Education shall contract with a
2271 competitively-selected public or private university to create
2272 and operate the Florida Center for Mathematics and Science
2273 Education Research. The purpose of the center shall be to
2274 increase student achievement in science and mathematics, with an
2275 emphasis on K-12 education. The center shall:
2276 (a) Provide technical assistance and support to school
2277 districts and schools in the development and implementation of
2278 mathematics and science instruction.
2279 (b) Conduct applied research on policy and practices
2280 related to mathematics and science instruction and assessment in
2281 the state.
2282 (c) Conduct or compile basic research regarding student
2283 acquisition of mathematics and science knowledge and skills.
2284 (d) Develop comprehensive course frameworks for mathematics
2285 and science courses that emphasize rigor and relevance at the
2286 elementary, middle, and high school levels. Student achievement
2287 data should be used to aid in the development of course
2288 frameworks for low-performing schools, special needs students,
2289 females, and minorities.
2290 (e) Disseminate information regarding research-based
2291 teaching practices in mathematics and science to teachers and
2292 teacher educators in the state.
2293 (f) Collect, manage, and report on assessment information
2294 regarding student achievement in mathematics and science. The
2295 report shall include student achievement by ethnic group.

2296 (g) Establish partnerships with public and private state
2297 universities, community colleges, school districts, and other
2298 appropriate entities to further increase student achievement in
2299 science and mathematics.
2300 (h) Develop a comprehensive plan, with input from school
2301 districts, to increase the number and percentage of females and
2302 minority students enrolling in and successfully completing
2303 mathematics and science courses.
2304 (2) The department shall monitor the center through the
2305 Division of K-12 Public Schools.
2306 Section 60. Sections 331.314, 331.315, 331.367, 331.368,
2307 331.401, 331.403, 331.405, 331.407, 331.409, 331.411, 331.415,
2308 331.417, and 331.419, Florida Statutes, are repealed.
2309 Section 61. No later than September 1, 2006, the Florida
2310 Space Authority, the Florida Space Research Institute, and the
2311 Florida Aerospace Finance Corporation shall submit articles of
2312 dissolution to the Department of State in accordance with s.
2313 607.1403 or s. 617.1403, as applicable. The Florida Space
2314 Authority shall also comply with the dissolution procedures
2315 provided s. 189.4042. Space Florida, as created by this act, is
2316 the successor organization to the Florida Space Authority, the
2317 Florida Space Research Institute, and the Florida Aerospace
2318 Finance Corporation. The Florida Space Authority, the Florida
2319 Space Research Institute, and the Florida Aerospace Finance
2320 Corporation shall transfer, and Space Florida shall receive, all
2321 records, property, obligations, and unexpended balances of
2322 appropriations, allocations, or other funds of the dissolved
2323 entities. To ensure compliance with 26 U.S.C. 501(c)(3), Space
2324 Florida shall use the asset and/or funds transferred to it from
2325 the Florida Space Research Institute and the Florida Aerospace

2326 Finance Corporation in a manner consistent with the purpose for
2327 which the originating entity received them.
2328 Section 62. The Governor, the President of the Senate, and
2329 the Speaker of the House of Representatives shall appoint the
2330 board of directors of Space Florida no later than July 1, 2006.
2331 The board of directors of Space Florida shall hold its first
2332 meeting no later than August 1, 2006. The board of directors of
2333 Space Florida shall appoint a president no later than September
2334 1, 2006. The Executive Office of the Governor shall provide
2335 staffing and transitional support to Space Florida until
2336 December 31, 2006.
2337 Section 63. Subsection (12) is added to section 288.1224,
2338 Florida Statutes, to read:
2339 288.1224 Powers and duties.--The commission:
2340 (12) Shall advise and cooperate with Space Florida
2341 regarding space tourism marketing when appropriate and
2342 beneficial.
2343 Section 64. Subsection (7) is added to section 288.9015,
2344 Florida Statutes, to read:
2345 288.9015 Enterprise Florida, Inc.; purpose; duties.--
2346 (7) Enterprise Florida, Inc., shall enter into agreement
2347 with Space Florida to:
2348 (a) Develop a plan to retain, expand, attract, and create
2349 aerospace industry entities, public or private, which result in
2350 the creation of high-value-added businesses and jobs in this
2351 state; and
2352 (b) Develop a plan to assist in the financing of aerospace
2353 businesses.
2354 Section 65. Subsection (12) is added to section 445.004,
2355 Florida Statutes, to read:

2356 445.004 Workforce Florida, Inc.; creation; purpose;
2357 membership; duties and powers.--
2358 (12) Workforce Florida, Inc., shall enter into agreement
2359 with Space Florida, and collaborate with Florida vocational
2360 institutes, community colleges, colleges, and universities, to
2361 develop a workforce development strategy to implement the
2362 workforce provisions of s. 331.3051.
2363 Section 66. Subsection (17) is added to section 1001.10,
2364 Florida Statutes, read:
2365 1001.10 Commissioner of Education; general powers and
2366 duties.--The Commissioner of Education is the chief educational
2367 officer of the state, and is responsible for giving full
2368 assistance to the State Board of Education in enforcing
2369 compliance with the mission and goals of the seamless K-20
2370 education system. To facilitate innovative practices and to
2371 allow local selection of educational methods, the State Board of
2372 Education may authorize the commissioner to waive, upon the
2373 request of a district school board, State Board of Education
2374 rules that relate to district school instruction and school
2375 operations, except those rules pertaining to civil rights, and
2376 student health, safety, and welfare. The Commissioner of
2377 Education is not authorized to grant waivers for any provisions
2378 in rule pertaining to the allocation and appropriation of state
2379 and local funds for public education; the election,
2380 compensation, and organization of school board members and
2381 superintendents; graduation and state accountability standards;
2382 financial reporting requirements; reporting of out-of-field
2383 teaching assignments under s. 1012.42; public meetings; public
2384 records; or due process hearings governed by chapter 120. No
2385 later than January 1 of each year, the commissioner shall report
2386 to the Legislature and the State Board of Education all approved

2387 waiver requests in the preceding year. Additionally, the
2388 commissioner has the following general powers and duties:
2389 (17) To enter into agreement with Space Florida to develop
2390 innovative aerospace-related education programs that promote
2391 mathematics and science education for grades K-20.
2392
2393 The commissioner's office shall operate all statewide functions
2394 necessary to support the State Board of Education and the K-20
2395 education system, including strategic planning and budget
2396 development, general administration, and assessment and
2397 accountability.
2398 Section 67. Subsection (33) is added to section 334.044,
2399 Florida Statutes, to read:
2400 334.044 Department; powers and duties.--The department
2401 shall have the following general powers and duties:
2402 (33) To enter into agreement with Space Florida to
2403 coordinate and cooperate in the development of spaceport
2404 infrastructure and related transportation facilities contained
2405 in the Strategic Intermodal System Plan and, where appropriate,
2406 encourage the cooperation and integration of airports and
2407 spaceports in order to meet transportation-related needs.
2408 Section 68. The following appropriations are made to the
2409 Governor's Office of Tourism, Trade, and Economic Development:
2410 (1) From nonrecurring general revenue for fiscal year
2411 2006-2007:
2412 (a) The sum of $35 million is appropriated to be used for
2413 infrastructure needs related to the development of the National
2414 Aeronautics and Space Administration's Crew Exploration Vehicle.
2415 (b) The sum of $8 million is appropriated for
2416 implementation of recommendations made by the Governor's
2417 Commission on the Future of Space and Aeronautics in Florida,

2418 including, but not limited to, commercial launch assistance and
2419 spaceport development.
2420 (2) From recurring general revenue for fiscal year 2006-
2421 2007 and annually thereafter:
2422 (a) The sum of $3 million is appropriated for operational
2423 needs of Space Florida. For fiscal year 2006-2007, funds may be
2424 used for operating and transition expenses of the Florida Space
2425 Authority, the Florida Aerospace Finance Corporation, and the
2426 Florida Space Research Institute, not to exceed an amount equal
2427 to one-quarter of their fiscal year 2005-2006 appropriated
2428 budget.
2429 (b) The sum of $4 million is appropriated for
2430 implementation of innovative education programs and financing
2431 assistance for aerospace business development projects.
2432 Section 69. This act shall take effect upon becoming a
2433 law.
2434
2435
2436 ========== T I T L E A M E N D M E N T ==========
2437 Remove the entire title and insert:
2438
2439 A bill to be entitled
2440 An act relating to the state's aerospace industry;
2441 redesignating the "Florida Space Authority" as "Space
2442 Florida"; creating s. 331.3011, F.S.; providing
2443 legislative intent; providing definitions; revising and
2444 consolidating the roles, purposes, responsibilities,
2445 assets, and duties of the Florida Space Authority as those
2446 of Space Florida; deleting authority to establish
2447 facilities and complementary activities; providing
2448 additional powers and duties of Space Florida; prohibiting

2449 Space Florida from endorsing political candidates or
2450 making campaign contributions; characterizing certain
2451 property as Space Florida territory; creating s. 331.3051,
2452 F.S.; providing additional powers and responsibilities of
2453 Space Florida relating to the state's aerospace industry;
2454 deleting authority to exercise eminent domain powers;
2455 requiring Space Florida to create a business plan and a
2456 marketing campaign; directing Space Florida to enter into
2457 agreements with the Department of Education, the
2458 Department of Transportation, Enterprise Florida, Inc.,
2459 and Workforce Florida, Inc.; requiring Space Florida to
2460 coordinate its activities with federal and state agencies;
2461 amending s. 331.308, F.S.; replacing provisions providing
2462 for a board of supervisors with provisions providing for a
2463 board of directors of Space Florida; providing for
2464 designation and appointment of members; providing
2465 requirements of board members; providing for terms,
2466 removal of members, and filling of vacancies; providing
2467 for board meetings; specifying service without
2468 compensation; providing for reimbursement of certain
2469 expenses; providing financial disclosure requirements;
2470 revising powers and duties of the board; amending ss.
2471 331.301, 331.302, 331.303, 331.305, 331.306, 331.309,
2472 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316,
2473 331.317, 331.318, 331.319, 331.320, 331.321, 331.322,
2474 331.323, 331.324, 331.325, 331.326, 331.327, 331.328,
2475 331.329, 331.331, 331.333, 331.334, 331.335, 331.336,
2476 331.337, 331.338, 331.339, 331.340, 331.343, 331.345,
2477 331.346, 331.347, 331.348, 331.349, 331.350, 331.351,
2478 331.354, 331.355, 331.360, and 331.369, F.S., to conform;
2479 amending ss. 14.2015, 74.011, 196.012, 212.02, 288.063,

2480 288.075, 288.35, and 288.9415, F.S., to conform; amending
2481 s. 212.08, F.S.; revising the exemption from the sales and
2482 use tax on certain machinery and equipment; creating s.
2483 1004.86, F.S.; requiring the Department of Education to
2484 contract for the establishment of the Florida Center for
2485 Mathematics and Science Education Research at a public or
2486 private university; specifying requirements for the
2487 center; repealing s. 331.314, F.S., relating to the
2488 exclusive authority of the Florida Space Authority to
2489 regulate spaceports; repealing s. 331.315, F.S., relating
2490 to the maintenance of projects across rights-of-way;
2491 repealing s. 331.367, F.S., relating to the Spaceport
2492 Management Council; repealing s. 331.368, F.S., relating
2493 to the Florida Space Research Institute; repealing ss.
2494 331.401, 331.403, 331.405, 331.407, 331.409, 331.411,
2495 331.415, 331.417, and 331.419, F.S., relating to the
2496 Florida Aerospace Finance Corporation; requiring the
2497 Florida Space Authority, the Florida Space Research
2498 Institute, and the Florida Aerospace Finance Corporation
2499 to submit articles of dissolution to the Department of
2500 State by a specified date; providing that Space Florida
2501 assumes the records, property, and unexpended balances of
2502 appropriations, allocations, and other funds from the
2503 dissolved entities; requiring the Governor, the President
2504 of the Senate, and the Speaker of the House of
2505 Representatives to appoint the board of directors of Space
2506 Florida by a specified date; requiring the board of
2507 directors of Space Florida to hold its first meeting by a
2508 specified date; amending s. 228.1224, F.S., requiring the
2509 Florida Commission on Tourism to advise and cooperate with
2510 Space Florida under certain circumstances; amending ss.

2511 288.9015, 445.004, 1001.10, and 334.044, F.S.; requiring
2512 Enterprise Florida, Inc., Workforce Florida, Inc., the
2513 Commissioner of Education, and the Department of
2514 Transportation to enter into agreements with Space
2515 Florida; providing appropriations; providing an effective
2516 date.

Bill No. **1489**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Allen offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6
7 Section 1. Section 331.301, Florida Statutes, is amended
8 to read:
9 331.301 Short title.--This act may be cited as the "Space
10 Florida ~~Space Authority~~ Act."
11 Section 2. Subsections (2), (3), and (4) of section
12 331.302, Florida Statutes, are amended to read:
13 331.302 Space Florida ~~Space Authority~~; creation;
14 purpose.--
15 (2) There is hereby established, formed, and created Space
16 Florida ~~the Florida Space Authority~~, which is created and
17 incorporated as a public corporation, body politic, and
18 subdivision of the state to establish facilities or
19 complementary activities to enhance and provide commercial
20 space-related development opportunities for business, education,
21 and government, and which shall have all the powers, rights,

22 privileges, and authority as provided under the laws of this
23 state.
24 (3) It shall be the purpose, function, and responsibility
25 of Space Florida ~~the Florida Space Authority~~ to develop a
26 strategy for and implement the acceleration of space-related
27 economic ~~growth and educational~~ development within the state.
28 Projects in the state shall include the space business
29 incubators, space tourism activities and centers, educational
30 involvement in business incubators, and the Spaceport Florida
31 launch centers. It shall be Space Florida's ~~the authority's~~
32 purpose, function, and responsibility to provide projects in the
33 state which will develop and improve the entrepreneurial
34 atmosphere, to provide coordination among space businesses,
35 Florida universities, space tourism, and the Spaceport Florida
36 launch centers, and to provide activities designed to stimulate
37 the development of space commerce. In carrying out these duties
38 and responsibilities, Space Florida ~~the authority~~ may advise and
39 cooperate with municipalities, counties, regional authorities,
40 state agencies and organizations, appropriate federal agencies
41 and organizations, and other interested persons and groups.
42 (4) It is the intent of the Legislature that Space Florida
43 ~~the Florida Space Authority~~ shall not be considered an "agency"
44 as defined in ss. 216.011 and 287.012.
45 Section 3. Subsections (1), (2), (3), (4), (6), (7), (8),
46 (9), (11), (12), (16), (17), (19), (20), (22), and (25) of
47 section 331.303, Florida Statutes, are amended to read:
48 331.303 Definitions.--
49 (1) "Aerospace industry" means the industry concerned with
50 the design and manufacture of aircraft, rockets, missiles,
51 spacecraft, satellites, space vehicles, space stations, or space
52 facilities, and related components, equipment, systems,

53 facilities, simulators, programs, and activities, including the
54 application of aerospace technologies in air-based, land-based,
55 and sea-based platforms for commercial, civil, and defense
56 purposes ~~"Authority" means the Florida Space Authority created~~
57 ~~by this act~~.
58 (2) "Board" or "board of supervisors" means the governing
59 body of Space Florida ~~the authority~~.
60 (3) "Bonds" means revenue bonds, assessment bonds, or
61 other bonds or obligations issued by Space Florida ~~the authority~~
62 for the purpose of raising financing for its projects.
63 (4) "Business client" means any person, other than a state
64 official or state employee, who receives the services of, or is
65 the subject of solicitation by, representatives of Space Florida
66 ~~the authority~~ in connection with the performance of its
67 statutory duties, including purchasers or prospective purchasers
68 of Space Florida ~~authority~~ services, persons or representatives
69 of firms considering or being solicited for investment in Space
70 Florida ~~authority~~ projects, persons or representatives of firms
71 considering or being solicited for location, relocation, or
72 expansion of a space-related business within the state, and
73 business, financial, or other persons connected with the space
74 industry.
75 (6) "Conduit bond" means any bond of Space Florida ~~the~~
76 ~~authority~~ which is a nonrecourse obligation of Space Florida ~~the~~
77 ~~authority~~ payable from the proceeds of such bonds and related
78 financing agreements.
79 (7) "Cost" means all costs, fees, charges, expenses, and
80 amounts associated with the development of projects by Space
81 Florida ~~the authority~~.
82 (8) "Entertainment expenses" means the actual, necessary,
83 and reasonable costs of providing hospitality for business

84 clients or guests, which costs are defined and prescribed by
85 rules adopted by Space Florida ~~the authority~~, subject to
86 approval by the Chief Financial Officer.
87 (9) "Federal aid" means any property, funding, or other
88 financial assistance provided by the Federal Government to Space
89 Florida ~~the authority~~ for its projects.
90 (11) "Guest" means a person, other than a state official
91 or state employee, authorized by the board or its designee to
92 receive the hospitality of Space Florida ~~the authority~~ in
93 connection with the performance of its statutory duties.
94 (12) "Landing area" means the geographical area designated
95 by Space Florida ~~the authority~~ within the spaceport territory
96 for or intended for the landing and surface maneuvering of any
97 launch or other space vehicle.
98 (16) "Project" means any development, improvement,
99 property, launch, utility, facility, system, works, road,
100 sidewalk, enterprise, service, or convenience, which may include
101 coordination with Enterprise Florida, Inc., the Department ~~Board~~
102 of Education, the Florida Aerospace Finance Corporation, and the
103 Florida Space Research Institute; any rocket, capsule, module,
104 launch facility, assembly facility, operations or control
105 facility, tracking facility, administrative facility, or any
106 other type of space-related transportation vehicle, station, or
107 facility; any type of equipment or instrument to be used or
108 useful in connection with any of the foregoing; any type of
109 intellectual property and intellectual property protection in
110 connection with any of the foregoing including, without
111 limitation, any patent, copyright, trademark, and service mark
112 for, among other things, computer software; any water,
113 wastewater, gas, or electric utility system, plant, or
114 distribution or collection system; any small business incubator

115 initiative, including any startup aerospace company, research
116 and development company, research and development facility,
117 education and workforce training facility, storage facility, and
118 consulting service; or any tourism initiative, including any
119 space experience attraction, space-launch-related activity, and
120 space museum sponsored or promoted by Space Florida ~~the~~
121 ~~authority~~.
122 (17) "Range" means the geographical area designated by
123 Space Florida ~~the authority~~ or other appropriate body as the
124 area for the launching of rockets, missiles, launch vehicles,
125 and other vehicles designed to reach high altitude.
126 (19) "Spaceport" means any area of land or water, or any
127 manmade object or facility located therein, developed by Space
128 Florida ~~the authority~~ under this act, which area is intended for
129 public use or for the launching, takeoff, and landing of
130 spacecraft and aircraft, and includes any appurtenant areas
131 which are used or intended for public use, for spaceport
132 buildings, or for other spaceport facilities, spaceport
133 projects, or rights-of-way.
134 (20) "Spaceport Florida" means Space Florida ~~the authority~~
135 or its facilities and projects.
136 (22) "Spaceport system" means the programs, organizations,
137 and infrastructure developed by Space Florida ~~the authority~~ for
138 the development of facilities or activities to enhance and
139 provide commercial space-related development opportunities for
140 business, education, and government within the state.
141 (25) "Travel expenses" means the actual, necessary, and
142 reasonable costs of transportation, meals, lodging, and
143 incidental expenses normally incurred by a traveler, which costs
144 are defined and prescribed by rules adopted by Space Florida ~~the~~
145 ~~authority~~, subject to approval by the Chief Financial Officer.

146 Section 4. Section 331.305, Florida Statutes, is amended
147 to read:
148 331.305 Powers of Space Florida ~~the authority~~.--Space
149 Florida may ~~The authority shall have the power to~~:
150 (1) Exercise all powers granted to corporations under the
151 Florida Business Corporation Act, chapter 607.
152 (2) Sue and be sued by its name in any court of law or in
153 equity.
154 (3) Adopt and use a corporate seal and alter the same at
155 pleasure.
156 (4) Review and make recommendations with respect to a
157 strategy to guide and facilitate the future of space-related
158 ~~educational and~~ commercial development. Space Florida ~~The~~
159 ~~authority~~ shall in coordination with the Federal Government,
160 private industry, and Florida universities develop a business
161 plan which shall address the expansion of Spaceport Florida
162 locations, space launch capacity, spaceport projects, and
163 complementary activities, which shall include, but not be
164 limited to, a detailed analysis of:
165 (a) Space Florida ~~The authority~~ and the commercial space
166 industry.
167 (b) Products, services description--potential,
168 technologies, skills.
169 (c) Market research and evaluation--customers,
170 competition, economics.
171 (d) Marketing plan and strategy.
172 (e) Design and development plan--tasks, difficulties,
173 costs.
174 (f) Manufacturing locations, facilities, and operations
175 plan.
176 (g) Management organization--roles and responsibilities.

177 (h) Overall schedule (monthly).
178 (i) Important risks, assumptions, and problems.
179 (j) Community impact--economic, human development,
180 community development.
181 (k) Financial plan (monthly for first year; quarterly for
182 next 3 years).
183 (l) Proposed Space Florida ~~authority~~ offering--financing,
184 capitalization, use of funds.
185 (5) Acquire property, real, personal, intangible,
186 tangible, or mixed, within or without its territorial limits, in
187 fee simple or any lesser interest or estate, by purchase, gift,
188 devise, or lease, on such terms and conditions as the board may
189 deem necessary or desirable, and sell or otherwise dispose of
190 the same and of any of the assets and properties of Space
191 Florida ~~the authority~~.
192 (6) Make and execute any and all contracts and other
193 instruments necessary or convenient to the exercise of its
194 powers, including financing agreements with persons or spaceport
195 users to facilitate the financing, construction, leasing, or
196 sale of any project.
197 (7) Whenever deemed necessary by the board, lease as
198 lessor or lessee to or from any person, public or private, any
199 facilities or property for the use of Space Florida ~~the~~
200 ~~authority~~ and carry out any of the purposes of Space Florida ~~the~~
201 ~~authority~~.
202 (8) Appoint, through its board of supervisors, an
203 executive director.
204 (9) Own, acquire, construct, develop, create, reconstruct,
205 equip, operate, maintain, extend, and improve launch pads,
206 landing areas, ranges, payload assembly buildings, payload
207 processing facilities, laboratories, space business incubators,

208 launch vehicles, payloads, space flight hardware, facilities and
209 equipment for the construction of payloads, space flight
210 hardware, rockets, and other launch vehicles, and other
211 spaceport facilities and other space-related systems, including
212 educational, cultural, and parking facilities and space-related
213 initiatives.
214 (10) Undertake a program of advertising to the public
215 promoting space-related businesses or any spaceport projects of
216 Space Florida ~~the authority~~, and expend moneys and undertake
217 such activities to carry out such advertising and promotional
218 program as the board from time to time may determine.
219 (11) Own, acquire, construct, reconstruct, equip, operate,
220 maintain, extend, and improve transportation facilities
221 appropriate to meet the transportation requirements of Space
222 Florida ~~the authority~~ and activities conducted within the
223 spaceport territory.
224 (12) Own, acquire, construct, reconstruct, equip, operate,
225 maintain, extend, and improve electric power plants,
226 transmission lines and related facilities, gas mains and
227 facilities of any nature for the production or distribution of
228 natural gas, transmission lines and related facilities and
229 plants and facilities for the generation and transmission of
230 power through traditional and new and experimental sources of
231 power and energy; purchase electric power, natural gas, and
232 other sources of power for distribution within any spaceport
233 territory; develop and operate water and sewer systems and waste
234 collection and disposal consistent with chapter 88-130, Laws of
235 Florida; and develop and operate such new and experimental
236 public utilities, including, but not limited to, centrally
237 distributed heating and air-conditioning facilities and
238 services, closed-circuit television systems, and computer

239 services and facilities, as the board may from time to time
240 determine. However, Space Florida ~~the authority~~ shall not
241 construct any system, work, project, or utility authorized to be
242 constructed under this paragraph in the event that a system,
243 work, project, or utility of a similar character is being
244 actually operated by a municipality or private company in the
245 municipality or territory adjacent thereto, unless such
246 municipality or private company consents to such construction.
247 (13) Designate, set aside, and maintain lands and areas
248 within or without the territorial limits of any spaceport
249 territory as conservation areas or bird and wildlife
250 sanctuaries; stock such areas with animal and plant life and
251 stock water areas with fish and other aquatic life; promulgate
252 and enforce rules and regulations with respect thereto and
253 protect and preserve the natural beauty thereof; and do all acts
254 necessary or desirable in order to qualify such lands and areas
255 as conservation areas and sanctuaries under any of the laws of
256 the state or under federal law.
257 (14) Establish a program for the control, abatement, and
258 elimination of mosquitoes and other noxious insects, rodents,
259 reptiles, and other pests throughout the spaceport territory and
260 undertake such works and construct such facilities within or
261 without the spaceport territory as may be determined by the
262 board to be needed to effectuate such program; abate and
263 suppress mosquitoes and other arthropods, whether disease-
264 bearing or pestiferous, within any spaceport territory when in
265 the judgment of the board such action is necessary or desirable
266 for the health and welfare of the inhabitants of or visitors to
267 any spaceport; and take any and all temporary or permanent
268 eliminative measures that the board may deem advisable. The
269 Legislature hereby finds and declares Space Florida ~~the~~

270 ~~authority~~ eligible to receive state funds, supplies, services,
271 and equipment available or that may in the future become
272 available to mosquito or pest control districts, the provisions
273 of s. 388.021 notwithstanding.
274 (15) Subject to the rules and regulations of the
275 appropriate water management district, own, acquire, construct,
276 reconstruct, equip, maintain, operate, extend, and improve water
277 and flood control facilities. The Legislature hereby finds and
278 declares Space Florida ~~the authority~~ eligible to receive moneys,
279 disbursements, and assistance from the state available to flood
280 control or water management districts and navigation districts
281 or agencies.
282 (16) Own, acquire, construct, reconstruct, equip,
283 maintain, operate, extend, and improve public safety facilities
284 for the spaceport, including security stations, security
285 vehicles, fire stations, water mains and plugs, and fire trucks
286 and other vehicles and equipment; hire employees, security
287 officers, and firefighters; and undertake such works and
288 construct such facilities determined by the board to be
289 necessary or desirable to promote and ensure public safety
290 within the spaceport territory.
291 (17) Hire, through its executive director, a safety
292 officer with substantial experience in public safety procedures
293 and programs for space vehicle launching and related hazardous
294 operations. The safety officer shall monitor and report on the
295 safety and hazards of ground-based space operations to the
296 executive director.
297 (18) Establish a personnel management system for hiring
298 employees and setting employee benefit packages. The personnel
299 of Space Florida ~~the authority~~ shall not be considered to be
300 within the state employment system.

301 (19) Establish procedures, rules, and rates governing per
302 diem and travel expenses of its employees, the members of the
303 board of supervisors, and other persons authorized by the board
304 to incur such expenses. Except as otherwise provided in s.
305 331.3101, such rules are subject to provisions of state law or
306 rules pertaining to per diem and travel expenses of public
307 officers, employees, or other persons authorized by an agency
308 head to incur such expenses.
309 (20) Examine, develop, and utilize new concepts, designs,
310 and ideas; own, acquire, construct, reconstruct, equip, operate,
311 maintain, extend, and improve experimental spaceport facilities
312 and services; and otherwise undertake, sponsor, finance, and
313 maintain such research activities, experimentation, and
314 development as the board may from time to time determine, in
315 connection with any of the projects that Space Florida ~~the~~
316 ~~authority~~ is authorized to undertake pursuant to the powers and
317 authority vested in it by this act, and in order to promote the
318 development and utilization of new concepts, designs, and ideas
319 in the fields of space exploration, commercialization of the
320 space industry, and spaceport facilities.
321 (21) Issue revenue bonds, assessment bonds, or any other
322 bonds or obligations authorized by the provisions of this act or
323 any other law, or any combination of the foregoing, and pay all
324 or part of the cost of the acquisition, construction,
325 reconstruction, extension, repair, improvement, or maintenance
326 of any project or combination of projects, including payloads
327 and space flight hardware, and equipment for research,
328 development, and educational activities, to provide for any
329 facility, service, or other activity of Space Florida ~~the~~
330 ~~authority~~, and provide for the retirement or refunding of any
331 bonds or obligations of Space Florida ~~the authority~~, or for any

332 combination of the foregoing purposes. Space Florida ~~The~~
333 ~~authority~~ must provide 14 days' notice to the presiding officers
334 and appropriations chairs of both houses of the Legislature
335 prior to presenting a bond proposal to the Governor and Cabinet.
336 If either presiding officer or appropriations chair objects to
337 the bonding proposal within the 14-day-notice period, the bond
338 issuance may be approved only by a vote of two-thirds of the
339 members of the Governor and Cabinet.
340 (22) Make expenditures for entertainment and travel
341 expenses and business clients, guests, and other authorized
342 persons as provided in this act.
343 (23) In connection with any financing agreement, fix and
344 collect fees, loan payments, rental payments, and other charges
345 for the use of any project in such amount as to provide
346 sufficient moneys to pay the principal of and interest on bonds
347 as the same shall become due and payable, if so provided in the
348 bond resolution or trust agreement, and to create reserves for
349 such purposes. The fees, rents, payments, and charges and all
350 other revenues and proceeds derived from the project in
351 connection with which the bonds of any issue shall have been
352 issued, except such part thereof as may be necessary for such
353 reserves or any expenditures as may be provided in the
354 resolution authorizing the issuance of the bonds or in the trust
355 agreement securing the same, shall be set aside, at the time as
356 may be specified in the resolution or trust agreement, in a
357 sinking fund which may be pledged to and charged with the
358 payment of the principal of and the interest on such bonds as
359 the same shall become due and the redemption price or the
360 purchase price of bonds retired by call or purchase as therein
361 provided. Such pledge shall be valid and binding from the time
362 the pledge is made. The fees, rents, charges, and other revenues

363 and moneys so pledged and thereafter received by or on behalf of
364 Space Florida ~~the authority~~ shall immediately be subject to the
365 lien of any such pledge without any physical delivery thereof or
366 further act, and the lien of any such pledge shall be valid and
367 binding as against all parties having claims of any kind in
368 tort, contract, or otherwise against Space Florida ~~the~~
369 ~~authority~~, irrespective of whether such parties have notice
370 thereof. Neither the resolution nor any trust agreement by which
371 a pledge is created need be filed or recorded, except in the
372 records of Space Florida ~~the authority~~. The use and disposition
373 of money to the credit of the sinking fund shall be subject to
374 the provisions of the resolution authorizing the issuance of
375 such bonds or the provisions of such trust agreement.
376 (24) Exercise the right and power of eminent domain in
377 spaceport territory as defined in s. 331.304. In exercising such
378 power, Space Florida ~~the authority~~ shall comply with the
379 procedures and requirements of chapters 73 and 74.
380 (25) In carrying out its responsibilities for spaceport
381 operations:
382 (a) Seek federal support to renew and upgrade the
383 infrastructure and technologies at the Cape Canaveral Air Force
384 Station, the Kennedy Space Center, and the Eastern Range that
385 will enhance space and military programs of the Federal
386 Government and improve access for commercial launch activities.
387 (b) Support federal efforts to clarify roles and
388 responsibilities of federal agencies and eliminate duplicative
389 federal rules and policies in an effort to streamline access for
390 commercial launch users.
391 (c) Promote and facilitate launch activity within the
392 state by supporting and assisting commercial launch operators in
393 completing and submitting required documentation and gaining

394 approvals and authorization from the required federal agencies
395 for launching from this state.
396 (d) Consult as necessary with the appropriate federal,
397 state, and local authorities, including, but not limited to, the
398 National Aeronautics and Space Administration, the Federal
399 Aviation Administration, the Department of Defense, the
400 Department of Transportation, the Florida National Guard, and
401 industry on all aspects of establishing and operating spaceport
402 infrastructure and related facilities within the state.
403 Section 5. Section 331.306, Florida Statutes, is amended
404 to read:
405 331.306 Federal airspace notification.--In coordination
406 with the Florida Department of Transportation, Space Florida ~~the~~
407 ~~authority~~ shall develop and file the federal airspace
408 notification required for priority airspace use.
409 Section 6. Section 331.307, Florida Statutes, is repealed.
410 Section 7. Subsection (1) of section 331.308, Florida
411 Statutes, is amended to read:
412 331.308 Board of supervisors.--
413 (1) There is created within Space Florida ~~the Florida~~
414 ~~Space Authority~~ a board of supervisors consisting of nine ~~eight~~
415 regular members, who shall be appointed by the Governor, and two
416 ex officio nonvoting members, one of whom shall be a state
417 senator selected by the President of the Senate and one of whom
418 shall be a state representative selected by the Speaker of the
419 House of Representatives. The Lieutenant Governor, who is the
420 state's space policy leader, shall serve as chair of the board
421 of supervisors, and shall cast the deciding vote if the votes of
422 the nine ~~eight~~ regular members result in a tie. The board shall
423 elect a vice chair to preside in the absence of the Lieutenant
424 Governor and to perform such other duties as may be designated.

425 All regular members shall be subject to confirmation by the
426 Senate at the next regular session of the Legislature. Existing
427 board members are not prohibited from reappointment. Each of the
428 regular board members must be a resident of the state and must
429 have experience in the aerospace or commercial space industry or
430 in finance or have other significant relevant experience. A
431 private sector legal entity may not have more than one person
432 serving on the board at any one time. One regular member shall
433 represent organized labor interests, one regular member shall
434 represent minority interests, one regular member shall be a
435 representative of Enterprise Florida, Inc., and four regular
436 members must represent space industry, at least one of whom must
437 also be from a small business, as defined in s. 288.703. For the
438 purpose of this section, "space industry" includes private
439 sector entities engaged in space flight business, as defined in
440 s. 212.031, research and technology development of space-based
441 products and services, space station commercialization,
442 development of spaceport and range technology, remote sensing
443 products and services, space biotechnology, measurement and
444 calibration of space assets, space-related software and
445 information technology development, design and architecture of
446 space-based assets and facilities for manufacturing and other
447 purposes, space-related nanotechnology, space tourism, and other
448 commercial enterprises utilizing uniquely space-based
449 capabilities.
450 Section 8. Subsections (1) and (2) of section 331.309,
451 Florida Statutes, are amended to read:
452 331.309 Treasurer; depositories; fiscal agent.--
453 (1) The board shall designate an individual who is a
454 resident of the state, or a qualified public depository as
455 defined in s. 280.02, as treasurer of Space Florida ~~the~~

456 ~~authority~~, who shall have charge of the funds of Space Florida
457 ~~the authority~~. Such funds shall be disbursed only upon the order
458 of or pursuant to the resolution of the board by warrant, check,
459 authorization, or direct deposit pursuant to s. 215.85, signed
460 or authorized by the treasurer or his or her representative or
461 by such other persons as may be authorized by the board. The
462 board may give the treasurer such other or additional powers and
463 duties as the board may deem appropriate and shall establish the
464 treasurer's compensation. The board may require the treasurer to
465 give a bond in such amount, on such terms, and with such
466 sureties as may be deemed satisfactory to the board to secure
467 the performance by the treasurer of his or her powers and
468 duties. The board shall audit or have audited the books of the
469 treasurer at least once a year.
470 (2) The board is authorized to select as depositories in
471 which the funds of the board and of Space Florida ~~the authority~~
472 shall be deposited any qualified public depository as defined in
473 s. 280.02, upon such terms and conditions as to the payment of
474 interest by such depository upon the funds so deposited as the
475 board may deem just and reasonable. Funds of Space Florida ~~the~~
476 ~~authority~~ may also be deposited with the Florida Commercial
477 Space Financing Corporation created by s. 331.407. The funds of
478 Space Florida ~~the authority~~ may be kept in or removed from the
479 State Treasury upon written notification from the chair of the
480 board to the Chief Financial Officer.
481 Section 9. Section 331.310, Florida Statutes, is amended
482 to read:
483 331.310 Powers and duties of the board of
484 supervisors.--Except as otherwise provided in this act, all of
485 the powers and duties of Space Florida ~~the authority~~ shall be

486 exercised by and through the board of supervisors, including the
487 power and duty to:
488 (1) Adopt bylaws, rules, resolutions, and orders
489 prescribing the powers, duties, and functions of the officers of
490 Space Florida ~~the authority~~, the conduct of the business of
491 Space Florida ~~the authority~~, the maintenance of records, and the
492 form of all documents and records of Space Florida ~~the~~
493 ~~authority~~. The board may adopt administrative rules and
494 regulations with respect to any of the projects of Space Florida
495 ~~the authority~~, with notice and public hearing.
496 (2) Maintain an executive office and Space Florida
497 ~~authority~~ offices in close proximity to Kennedy Space Center.
498 (3) Enter, and authorize any agent or employee of Space
499 Florida ~~the authority~~ to enter, upon any lands, waters, and
500 premises, upon giving reasonable notice and due process to the
501 land owner, for the purposes of making surveys, soundings,
502 drillings, appraisals, and examinations necessary to perform its
503 duties and functions. Any such entry shall not be deemed a
504 trespass or an entry that would constitute a taking in an
505 eminent domain proceeding. Space Florida ~~The authority~~ shall
506 make reimbursement for any actual damages to such lands, waters,
507 and premises as a result of such activity.
508 (4) Execute all contracts and other documents, adopt all
509 proceedings, and perform all acts determined by the board to be
510 necessary or desirable to carry out the purposes of this act.
511 The board may authorize one or more members of the board to
512 execute contracts and other documents on behalf of the board or
513 Space Florida ~~the authority~~.
514 (5) Establish and create such departments, committees, or
515 other agencies as from time to time the board may deem necessary
516 or desirable in the performance of any acts or other things

517 necessary to the exercise of the powers provided in this act,
518 and delegate to such departments, boards, or other agencies such
519 administrative duties and other powers as the board may deem
520 necessary or desirable.
521 (6) Appoint a person to act as executive director of Space
522 Florida ~~the authority~~, having such official title, functions,
523 duties, powers, and salary as the board may prescribe.
524 (7) Examine, and authorize any officer or agent of Space
525 Florida ~~the authority~~ to examine, the county tax rolls with
526 respect to the assessed valuation of the real and personal
527 property within any spaceport territory.
528 (8) Engage in the planning and implementation of space-
529 related economic ~~and educational~~ development within the state.
530 (9) Execute intergovernmental agreements and development
531 agreements consistent with prevailing statutory provisions,
532 including, but not limited to, special benefits or tax increment
533 financing initiatives.
534 (10) Establish reserve funds for future board operations.
535 (11) Adopt rules pursuant to chapter 120 to carry out the
536 purposes of this act.
537 (12) Abide by all applicable federal labor laws in the
538 construction and day-to-day operations of Space Florida ~~the~~
539 ~~authority~~ and any spaceport. Further, the board shall establish,
540 by rule and regulation, pursuant to chapter 120, policies and
541 procedures for the construction and operation of Space Florida
542 ~~the authority~~ and any spaceport. Said policies and procedures
543 shall be such that when Space Florida ~~the authority~~ expends
544 federal funds for construction or operation of any spaceport
545 project, Space Florida ~~the authority~~ will be subject to the
546 federal labor laws observed at the Kennedy Space Center and Cape

547 Canaveral Air Force Station, Florida, applicable as a result of
548 such federal expenditures.
549 (13) Prepare an annual report of operations. Said report
550 shall include, but not be limited to, a balance sheet, an income
551 statement, a statement of changes in financial position, a
552 reconciliation of changes in equity accounts, a summary of
553 significant accounting principles, the auditor's report, a
554 summary of the status of existing and proposed bonding projects,
555 comments from management about the year's business, and
556 prospects for the next year, which shall be submitted each year
557 by November 30 to the Governor, the President of the Senate, the
558 Speaker of the House of Representatives, the minority leader of
559 the Senate, and the minority leader of the House of
560 Representatives.
561 ~~(14) Change the name of the authority.~~
562 Section 10. Subsections (1) and (4) of section 331.3101,
563 Florida Statutes, are amended to read:
564 331.3101 Space Florida ~~Space Authority~~; travel and
565 entertainment expenses.--
566 (1) Notwithstanding the provisions of s. 112.061, Space
567 Florida ~~the authority~~ shall adopt rules by which it may make
568 expenditures by advancement or reimbursement, or a combination
569 thereof, to Space Florida ~~authority~~ officers and employees;
570 reimburse business clients, guests, and authorized persons as
571 defined in s. 112.061(2)(e); and make direct payments to third-
572 party vendors:
573 (a) For travel expenses of such business clients, guests,
574 and authorized persons incurred by Space Florida ~~the authority~~
575 in connection with the performance of its statutory duties, and
576 for travel expenses incurred by state officials and state
577 employees while accompanying such business clients, guests, or

578 authorized persons or when authorized by the board or its
579 designee.
580 (b) For entertainment expenses of such guests, business
581 clients, and authorized persons incurred by Space Florida ~~the~~
582 ~~authority~~ in connection with the performance of its statutory
583 duties, and for entertainment expenses incurred for Space
584 Florida ~~authority~~ officials and employees when such expenses are
585 incurred while in the physical presence of such business
586 clients, guests, or authorized persons.
587 (4) No claim submitted under this section shall be
588 required to be sworn to before a notary public or other officer
589 authorized to administer oaths, but any claim authorized or
590 required to be made under any provision of this section shall
591 contain a statement that the expenses were actually incurred as
592 necessary travel or entertainment expenses in the performance of
593 official duties of Space Florida ~~the authority~~ and shall be
594 verified by written declaration that it is true and correct as
595 to every material matter. Any person who willfully makes and
596 subscribes to any such claim which the person does not believe
597 to be true and correct as to every material matter or who
598 willfully aids or assists in, or procures, counsels, or advises,
599 the preparation or presentation of a claim pursuant to this
600 section, which claim is fraudulent or false as to any material
601 matter, whether or not such falsity or fraud is with the
602 knowledge or consent of the person authorized or required to
603 present such claim, commits a misdemeanor of the second degree,
604 punishable as provided in s. 775.082 or s. 775.083. Whoever
605 receives an advancement or reimbursement by means of a false
606 claim is civilly liable, in the amount of the overpayment, for
607 the reimbursement of the public fund from which the claim was
608 paid.

609 Section 11. Section 331.311, Florida Statutes, is amended
610 to read:
611 331.311 Exercise by Space Florida ~~authority~~ of its powers
612 within municipalities and other political subdivisions.--Space
613 Florida may ~~The authority shall have the power to~~ exercise any
614 of its rights, powers, privileges, and authority in any and all
615 portions of any spaceport territory lying within the boundaries
616 of any municipal corporation or other political subdivision,
617 heretofore or hereafter created or organized, whose boundaries
618 lie wholly or partly within the geographical limits of the
619 spaceport territory, to the same extent and in the same manner
620 as in areas of the spaceport territory not incorporated as part
621 of a municipality or other political subdivision. With respect
622 to any municipal corporation or other political subdivision
623 whose boundaries lie partly within and partly without the
624 geographical limits of the spaceport territory, Space Florida
625 may ~~the authority shall have the power to~~ exercise its rights,
626 powers, privileges, and authority only within the portion of
627 such municipal corporation or other political subdivision lying
628 within the boundaries of the spaceport territory.
629 Section 12. Section 331.312, Florida Statutes, is amended
630 to read:
631 331.312 Furnishing facilities and services within the
632 spaceport territory.--Space Florida may ~~The authority shall have~~
633 ~~the power to~~ construct, develop, create, maintain, and operate
634 its projects within the geographical limits of the spaceport
635 territory, including any portions of the spaceport territory
636 located inside the boundaries of any incorporated municipality
637 or other political subdivision, and to offer, supply, and
638 furnish the facilities and services provided for in this act to,
639 and to establish and collect fees, rentals, and other charges

640 from, persons, public or private, within the geographical limits
641 of the spaceport territory and for the use of Space Florida ~~the~~
642 ~~authority~~ itself.
643 Section 13. Section 331.313, Florida Statutes, is amended
644 to read:
645 331.313 Power of Space Florida ~~the authority~~ with respect
646 to roads.--Within the territorial limits of any spaceport
647 territory, Space Florida may ~~the authority has the right to~~
648 acquire, through purchase or interagency agreement, or as
649 otherwise provided in law, and to construct, control, and
650 maintain, roads deemed necessary by Space Florida ~~the authority~~
651 and connections thereto and extensions thereof now or hereafter
652 acquired, constructed, or maintained in accordance with
653 established highway safety standards; provided that, in the
654 event a road being addressed by Space Florida ~~the authority~~ is
655 owned by another agency or jurisdiction, Space Florida ~~the~~
656 ~~authority~~, prior to proceeding with the proposed project or work
657 activity, shall have either coordinated the desired work with
658 the owning agency or jurisdiction or shall have successfully
659 executed an interagency agreement with the owning agency or
660 jurisdiction.
661 Section 14. Section 331.314, Florida Statutes, is amended
662 to read:
663 331.314 Exclusive authority.--This act specifically
664 provides that Space Florida has ~~the authority shall have~~
665 exclusive power and authority to regulate spaceports in the
666 state.
667 Section 15. Section 331.315, Florida Statutes, is amended
668 to read:
669 331.315 Maintenance of projects across rights-of-
670 way.--Space Florida may ~~The authority shall have the right to~~

671 construct and operate its projects in, along, or under any
672 streets, alleys, highways, or other public places or ways, and
673 across any drain, ditch, canal, floodway, holding basin,
674 excavation, railroad right-of-way, track, grade, fill, or cut;
675 provided, however, that just compensation, including fees, shall
676 be paid by Space Florida ~~the authority~~ for any damages or
677 private property taken by the exercise of such power.
678 Section 16. Section 331.316, Florida Statutes, is amended
679 to read:
680 331.316 Rates, fees, rentals, tolls, fares, and charges;
681 procedure for adoption and modification; minimum revenue
682 requirements.--
683 (1) To recover the costs of the spaceport facility or
684 system, Space Florida may ~~the authority shall have the power to~~
685 prescribe, fix, establish, and collect rates, fees, rentals,
686 tolls, fares, or other charges (hereinafter referred to as
687 "revenues"), and to revise the same from time to time, for the
688 facilities and services furnished or to be furnished by Space
689 Florida ~~the authority~~ and the spaceport, including, but not
690 limited to, launch pads, ranges, payload assembly and processing
691 facilities, visitor and tourist facilities, transportation
692 facilities, and parking and other related facilities, and may
693 ~~shall have the power to~~ provide for reasonable penalties against
694 any user or property for any such rates, fees, rentals, tolls,
695 fares, or other charges that are delinquent.
696 (2) The board may ~~shall have the power to~~ enter into
697 contracts for the use of the projects of Space Florida ~~the~~
698 ~~authority~~ and for the services and facilities furnished or to be
699 furnished by Space Florida ~~the authority~~, including, but not
700 limited to, launch services, payload assembly and processing,
701 and other space-related services, for such consideration and on

702 such other terms and conditions as the board may approve. Such
703 contracts, and revenues or service charges received or to be
704 received by Space Florida ~~the authority~~ thereunder, may be
705 pledged as security for any of the bonds of Space Florida ~~the~~
706 ~~authority~~.
707 Section 17. Section 331.317, Florida Statutes, is amended
708 to read:
709 331.317 Recovery of delinquent charges.--In the event that
710 any of the rates, fees, rentals, tolls, fares, other charges, or
711 delinquent penalties shall not be paid as and when due and shall
712 be in default for 30 days or more, the unpaid balance thereof
713 and all interest accrued thereon, together with attorney's fees
714 and costs, may be recovered by Space Florida ~~the authority~~ in a
715 civil action.
716 Section 18. Section 331.318, Florida Statutes, is amended
717 to read:
718 331.318 Discontinuance of service.--In the event that the
719 rates, fees, rentals, tolls, fares, or other charges for the
720 services and facilities of any project are not paid when due,
721 the board may ~~shall have the power to~~ discontinue and shut off
722 the same until such rates, fees, rentals, tolls, fares, or other
723 charges, including interest, penalties, and charges for the
724 shutting off and discontinuance and the restoration of such
725 services and facilities, are fully paid. Such delinquent rates,
726 fees, rentals, tolls, fares, or other charges, together with
727 interest, penalties, and charges for the shutting off and
728 discontinuance and the restoration of such services and
729 facilities, and reasonable attorney's fees and other expenses,
730 may be recovered by Space Florida ~~the authority~~ by suit in any
731 court of competent jurisdiction. Space Florida ~~The authority~~ may
732 also enforce payment of such delinquent rates, fees, rentals,

733 tolls, fares, or other charges by any other lawful method of
734 enforcement.
735 Section 19. Section 331.321, Florida Statutes, is amended
736 to read:
737 331.321 Federal and other funds and aid.--Space Florida
738 may ~~The authority is authorized to~~ accept, receive, and receipt
739 for federal moneys, property, and other moneys or properties,
740 either public or private, for the acquisition, planning,
741 operation, construction, enlargement, improvement, maintenance,
742 equipment, or development of programs, facilities, and sites
743 therefor, and to comply with the provisions of the laws of the
744 United States and any rules and regulations made thereunder for
745 the expenditure of federal moneys.
746 Section 20. Section 331.322, Florida Statutes, is amended
747 to read:
748 331.322 Agreements with municipalities within any
749 spaceport territory.--The board and the governing body or bodies
750 of any one or more municipalities located wholly or partly
751 within any spaceport territory, whether now in existence or
752 hereafter created, are authorized to enter into and carry into
753 effect contracts and agreements relating to the common powers,
754 duties, and functions of the board and other officers, agents,
755 and employees of Space Florida ~~the authority~~, and the respective
756 governing body or bodies of one or more such municipalities, and
757 their respective officers, agents, and employees, to the end
758 that there may be effective cooperation between and coordination
759 of the efforts of such municipality or municipalities and Space
760 Florida ~~the authority~~ in discharging their common functions,
761 powers, and duties and in rendering services to the respective
762 residents and property owners of such municipality or
763 municipalities and Space Florida ~~the authority~~. The board and

764 the governing body or bodies of one or more such municipalities
765 are further authorized to enter into and carry into effect
766 contracts and agreements for the performance of any of their
767 common functions, powers, and duties by a central agency or
768 common agent of the contracting parties.
769 Section 21. Subsections (1), (2), and (3) of section
770 331.323, Florida Statutes, are amended to read:
771 331.323 Cooperative agreements with the state, counties,
772 and municipalities.--
773 (1) The state and the counties, municipalities, and other
774 political subdivisions, public bodies, and agencies thereof, or
775 any of them, whether now existing or hereafter created, are
776 authorized to aid and cooperate with Space Florida ~~the authority~~
777 in carrying out any of the purposes and projects of Space
778 Florida ~~the authority~~, to enter into cooperative agreements with
779 Space Florida ~~the authority~~, to provide in any such cooperative
780 agreement for the making of loans, gifts, grants, or
781 contributions to Space Florida ~~the authority~~ and the granting
782 and conveyance to Space Florida ~~the authority~~ of real or
783 personal property of any kind or nature, or any interest
784 therein, for the carrying out of the purpose and projects of
785 Space Florida ~~the authority~~; to covenant in any such cooperative
786 agreement to pay all or any part of the costs of acquisition,
787 planning, development, construction, reconstruction, extension,
788 improvement, operation, and maintenance of any projects of Space
789 Florida ~~the authority~~; and to pay all or any part of the
790 principal and interest on any bonds of Space Florida ~~the~~
791 ~~authority~~.
792 (2) The state and the counties, municipalities, and other
793 political subdivisions, public bodies, and agencies thereof, or
794 any of them, whether now existing or hereafter created, and

795 Space Florida ~~the authority~~ created by this act, are further
796 authorized to enter into cooperative agreements to provide for
797 the furnishing by Space Florida ~~the authority~~ to the state or
798 any county, municipality, or other political subdivision, public
799 body, or agency thereof of any of the facilities and services of
800 Space Florida ~~the authority~~, or by the state or any county,
801 municipality, or other political subdivision, public body, or
802 agency thereof to Space Florida ~~the authority~~ and to persons
803 within the spaceport territory of facilities and services of the
804 type that Space Florida ~~the authority~~ is authorized to furnish
805 or undertake, or such other facilities and services as may be
806 determined necessary or desirable by the board for the carrying
807 out of the purposes of this act. Without limitation of the
808 foregoing, such cooperative agreements may provide for the
809 furnishing by any county, municipality, or other political
810 subdivision of fire and police protection for Space Florida ~~the~~
811 ~~authority~~ and persons and property within Space Florida ~~the~~
812 ~~authority~~, and for the providing to Space Florida ~~the authority~~
813 of any services deemed necessary or desirable by the board for
814 the proper functioning of Space Florida ~~the authority~~.
815 (3) Without limitation of the foregoing, the board may
816 undertake and finance any of the projects of Space Florida ~~the~~
817 ~~authority~~, in whole or in part, jointly with any municipality or
818 municipalities, now existing or hereafter created, or in any
819 other manner combine the projects of Space Florida ~~the authority~~
820 with the projects of such municipality or municipalities.
821 Section 22. Section 331.324, Florida Statutes, is amended
822 to read:
823 331.324 Contracts, grants, and contributions.--Space
824 Florida may ~~The authority shall have the power to~~ make and enter
825 all contracts and agreements necessary or incidental to the

826 performance of the functions of Space Florida ~~the authority~~ and
827 the execution of its powers, and to contract with, and to accept
828 and receive grants or loans of money, material, or property
829 from, any person, private or public, as the board shall
830 determine to be necessary or desirable to carry out the purposes
831 of this act, and in connection with any such contract, grant, or
832 loan to stipulate and agree to such covenants, terms, and
833 conditions as the board shall deem appropriate.
834 Section 23. Section 331.325, Florida Statutes, is amended
835 to read:
836 331.325 Environmental permits.--Space Florida ~~The~~
837 ~~authority~~ shall obtain required environmental permits in
838 accordance with federal and state law and shall comply with the
839 provisions of chapter 380.
840 Section 24. Section 331.326, Florida Statutes, is amended
841 to read:
842 331.326 Information relating to trade secrets
843 confidential.--The records of Space Florida ~~the authority~~
844 regarding matters encompassed by this act are public records
845 subject to the provisions of chapter 119. Any information held
846 by Space Florida ~~the authority~~ which is a trade secret, as
847 defined in s. 812.081, including trade secrets of Space Florida
848 ~~the authority~~, any spaceport user, or the space industry
849 business, is confidential and exempt from the provisions of s.
850 119.07(1) and s. 24(a), Art. I of the State Constitution and may
851 not be disclosed. If Space Florida ~~the authority~~ determines that
852 any information requested by the public will reveal a trade
853 secret, it shall, in writing, inform the person making the
854 request of that determination. The determination is a final
855 order as defined in s. 120.52. Any meeting or portion of a
856 meeting of Space Florida's ~~the authority's~~ board of supervisors

857 is exempt from the provisions of s. 286.011 and s. 24(b), Art. I
858 of the State Constitution when the board is discussing trade
859 secrets. Any public record generated during the closed portions
860 of such meetings, such as minutes, tape recordings, and notes,
861 is confidential and exempt from the provisions of s. 119.07(1)
862 and s. 24(a), Art. I of the State Constitution.
863 Section 25. Section 331.327, Florida Statutes, is amended
864 to read:
865 331.327 Foreign trade zone.--Space Florida may ~~The~~
866 ~~authority shall have the power to~~ apply to the Federal
867 Government for a grant allowing the designation of any spaceport
868 territory as a foreign trade zone pursuant to ss. 288.36 and
869 288.37. However, the designation of any spaceport territory as a
870 foreign trade zone shall not be deemed to authorize an exemption
871 from any tax imposed by the state or by any political
872 subdivision, agency, or instrumentality thereof.
873 Section 26. Section 331.328, Florida Statutes, is amended
874 to read:
875 331.328 Sovereign immunity.--Space Florida has ~~The~~
876 ~~authority shall be granted~~ sovereign immunity in the same manner
877 as the state under the laws and Constitution of the State of
878 Florida. The state, by this section, hereby waives the sovereign
879 immunity granted to the same extent as waived by the state under
880 state law.
881 Section 27. Subsections (2), (3), and (4) of section
882 331.329, Florida Statutes, are amended to read:
883 331.329 Changing boundary lines; annexation and exclusion
884 of lands; creation of municipalities within the geographical
885 limits of any spaceport territory; limitations on the furnishing
886 of services within annexed areas.--

887 (2) Land, including property situated thereon, added to
888 any spaceport territory in the manner provided in subsection (1)
889 shall from the time of its inclusion within such spaceport
890 territory be subject to all assessments thereafter levied and
891 assessed on all other land or property of any spaceport
892 territory similarly situated. Land, including property situated
893 thereon, excluded from any spaceport territory in the manner
894 provided in subsection (1) shall from the date of such exclusion
895 be exempt from assessments thereafter imposed by Space Florida
896 ~~the authority~~ but shall not be exempt from assessments
897 theretofore levied or due with respect to such land or property,
898 or from subsequent installments of assessments theretofore
899 levied or assessed with respect thereto, and such assessments
900 may be enforced and collected by or on behalf of Space Florida
901 ~~the authority~~ in the same manner as if such land or property
902 continued to be within the geographical limits of any spaceport
903 territory.
904 (3) In the event that the geographical limits of any
905 spaceport territory as set forth in s. 331.304 are revised so as
906 to include within any spaceport territory any areas not
907 presently contained within any spaceport territory, Space
908 Florida ~~the authority~~ shall not engage in the business of
909 furnishing electric power for sale in such annexed area, unless
910 Space Florida ~~the authority~~ shall offer to purchase from any
911 person who is at the time engaged in the business of making,
912 generating, or distributing electricity for sale within such
913 annexed area, such portion of its electric plant and property
914 suitable and used for such business in connection therewith as
915 lies within the limits of such annexed area, in a manner
916 consistent with law.

917 (4) Space Florida ~~The authority~~ shall designate new launch
918 pads outside the present designated spaceport territories by
919 statutory amendment of s. 331.304.
920 Section 28. Section 331.331, Florida Statutes, is amended
921 to read:
922 331.331 Revenue bonds.--
923 (1) Revenue bonds issued by Space Florida ~~the authority~~
924 shall not be deemed revenue bonds issued by the state or its
925 agencies for purposes of s. 11, Art. VII of the State
926 Constitution and ss. 215.57-215.83. Space Florida ~~The authority~~
927 shall include in its annual report to the Governor and
928 Legislature, as provided in s. 331.310, a summary of the status
929 of existing and proposed bonding projects.
930 (2) The issuance of revenue bonds may be secured by or
931 payable from the gross or net pledge of the revenues to be
932 derived from any project or combination of projects, from the
933 rates, fees, rentals, tolls, fares, or other charges to be
934 collected from the users of any project or projects; from any
935 revenue-producing undertaking or activity of Space Florida ~~the~~
936 ~~authority~~; or from any source of pledged security. Such bonds
937 shall not constitute an indebtedness of Space Florida ~~the~~
938 ~~authority~~ unless such bonds are additionally secured by the full
939 faith and credit of Space Florida ~~the authority~~. Bonds issued by
940 Space Florida ~~the authority~~ are not secured by the full faith
941 and credit of the State of Florida and do not constitute an
942 obligation, either general or special, thereof.
943 (3) Any two or more projects may be combined and
944 consolidated into a single project, and may thereafter be
945 operated and maintained as a single project. The revenue bonds
946 authorized herein may be issued to finance any one or more such
947 projects separately, or to finance two or more such projects,

948 regardless whether or not such projects have been combined and
949 consolidated into a single project. If the board deems it
950 advisable, the proceedings authorizing such revenue bonds may
951 provide that Space Florida ~~the authority~~ may thereafter combine
952 the projects then being financed or theretofore financed with
953 other projects to be subsequently financed by Space Florida ~~the~~
954 ~~authority~~ shall be on a parity with the revenue bonds then being
955 issued, all on such terms, conditions, and limitations as shall
956 be provided, and may further provide that the revenues to be
957 derived from the subsequent projects shall at the time of the
958 issuance of such parity revenue bonds be also pledged to the
959 holders of any revenue bonds theretofore issued to finance the
960 revenue undertakings which are later combined with such
961 subsequent projects. Space Florida ~~The authority~~ may pledge for
962 the security of the revenue bonds a fixed amount, without regard
963 to any fixed proportion of the gross revenues of any project.
964 Section 29. Section 331.333, Florida Statutes, is amended
965 to read:
966 331.333 Refunding bonds.--Space Florida ~~The authority~~
967 through its board may ~~shall have the power to~~ issue bonds to
968 provide for the retirement or refunding of any bonds or
969 obligations of Space Florida ~~the authority~~ that at the time of
970 such issuance are or subsequently thereto become due and
971 payable, or that at the time of issuance have been called or are
972 or will be subject to call for redemption within 10 years
973 thereafter, or the surrender of which can be procured from the
974 holders thereof at prices satisfactory to the board. Refunding
975 bonds may be issued at any time when in the judgment of the
976 board such issuance will be advantageous to Space Florida ~~the~~
977 ~~authority~~. The provisions of this act pertaining to bonds of
978 Space Florida ~~the authority~~ shall, unless the context otherwise

979 requires, govern the issuance of refunding bonds, the form and
980 other details thereof, the rights of the holders thereof, and
981 the duties of the board with respect to the same.
982 Section 30. Section 331.334, Florida Statutes, is amended
983 to read:
984 331.334 Pledging assessments and other revenues and
985 properties as additional security on bonds.--Space Florida ~~The~~
986 ~~authority~~ may pledge as additional security for the payment of
987 any of the bonds of Space Florida ~~the authority~~ its full faith
988 and credit, and provide that such bonds shall be payable as to
989 both principal and interest, and as to any reserve or other
990 funds provided therefor, to the full extent that any revenues as
991 defined in this act, assessments, or other funds, or any
992 combination thereof, pledged therefor are insufficient for the
993 full payment of the same, and provided further that no bonds
994 shall be issued to the payment of which the full faith and
995 credit of Space Florida ~~the authority~~ is pledged unless approved
996 at an election in the manner provided by law. Space Florida ~~The~~
997 ~~authority~~ by resolution of the board may also pledge as
998 additional security for said bonds the revenues from any project
999 of Space Florida ~~the authority~~, utility service, assessments,
1000 and any other sources of revenue or funds, or any combination of
1001 the foregoing, and may pledge or mortgage any of the properties,
1002 rights, interest, or other assets of Space Florida ~~the~~
1003 ~~authority~~. Bonds issued by Space Florida ~~the authority~~ are not
1004 secured by the full faith and credit of the State of Florida and
1005 do not constitute an obligation, either general or special,
1006 thereof. The board may also provide with respect to any bonds of
1007 Space Florida ~~the authority~~ that such bonds shall be payable, in
1008 whole or in part, as to principal amount or interest, or both,
1009 out of rates, fees, rentals, tolls, fares, or other charges

1010 collected with respect to any of the projects of Space Florida
1011 ~~the authority~~.
1012 Section 31. Section 331.335, Florida Statutes, is amended
1013 to read:
1014 331.335 Lien of pledges.--All pledges of revenues and
1015 assessments made pursuant to the provisions of this act shall be
1016 valid and binding from the time when such pledges are made. All
1017 such revenues and assessments so pledged and thereafter
1018 collected shall immediately be subject to the lien of such
1019 pledges without any physical delivery thereof or further action,
1020 and the lien of such pledges shall be valid and binding as
1021 against all parties having claims of any kind in tort, contract,
1022 or otherwise against Space Florida ~~the authority~~, irrespective
1023 of whether such parties have notice thereof.
1024 Section 32. Section 331.336, Florida Statutes, is amended
1025 to read:
1026 331.336 Issuance of bond anticipation notes.--In addition
1027 to the other powers provided for in this act and not in
1028 limitation thereof, Space Florida may ~~the authority shall have~~
1029 ~~the power~~, at any time from time to time after the issuance of
1030 any bonds of Space Florida has ~~the authority shall have~~ been
1031 authorized, ~~to~~ borrow money for the purposes for which such
1032 bonds are to be issued in anticipation of the receipt of the
1033 proceeds of the sale of such bonds and ~~to~~ issue bond
1034 anticipation notes in a principal amount not in excess of the
1035 authorized maximum amount of such bond issue. Such notes shall
1036 be in such denomination or denominations, bear interest at such
1037 rate or rates, mature at such time or times, be renewable for
1038 such additional term or terms, and be in such form and executed
1039 in such manner as the board shall prescribe. Such notes may be
1040 sold at public sale, or if such notes shall be renewable notes,

1041 may be exchanged for notes then outstanding on such terms as the
1042 board shall determine. Such notes shall be paid from the
1043 proceeds of such bonds when issued. The board may in its
1044 discretion, in lieu of retiring the notes by means of bonds,
1045 retire them by means of current revenues or from any assessments
1046 levied for the payment of such bonds, but in such event a like
1047 amount of the bonds authorized shall not be issued.
1048 Section 33. Section 331.337, Florida Statutes, is amended
1049 to read:
1050 331.337 Short-term borrowing.--Space Florida ~~The authority~~
1051 at any time may obtain loans, in such amount and on such terms
1052 and conditions as the board may approve, for the purpose of
1053 paying any of the expenses of Space Florida ~~the authority~~ or any
1054 costs incurred or that may be incurred in connection with any of
1055 the projects of Space Florida ~~the authority~~, which loans shall
1056 have such term or terms, be renewable for such term or terms,
1057 bear interest at such rate or rates, and be payable from and
1058 secured by a pledge of such funds, revenues, and assessments as
1059 the board may determine. For the purpose of defraying such costs
1060 and expenses, Space Florida ~~the authority~~ may issue negotiable
1061 notes, warrants, or other evidences of debt signed on behalf of
1062 Space Florida ~~the authority~~ by any one of the board, such notes
1063 or other evidences of indebtedness to be payable at such time or
1064 times, to bear interest at such rate or rates, and to be sold or
1065 discounted at such price or prices and on such term or terms as
1066 the board may deem advisable. The board shall have the right to
1067 provide for the payment thereof by pledging the whole or any
1068 part of the funds, revenues, and assessments of Space Florida
1069 ~~the authority~~.
1070 Section 34. Section 331.338, Florida Statutes, is amended
1071 to read:

1072 331.338 Trust agreements.--In the discretion of the board,
1073 any issue of bonds may be secured by a trust agreement by and
1074 between Space Florida ~~the authority~~ and a corporate trustee
1075 which may be any trust company or bank having the powers of a
1076 trust company within or without the state. The resolution
1077 authorizing the issuance of the bonds or such trust agreement
1078 may pledge the revenues to be received from any projects of
1079 Space Florida ~~the authority~~ and any other authorized moneys to
1080 be used for the repayment of bonds, and may contain such
1081 provisions for protecting and enforcing the rights and remedies
1082 of the bondholders as the board may approve, including without
1083 limitation covenants setting forth the duties of Space Florida
1084 ~~the authority~~ in relation to the acquisition, planning,
1085 development, construction, reconstruction, improvement,
1086 maintenance, repair, operation, and insurance of any projects,
1087 the fixing and revision of the rates, fees, rentals, tolls,
1088 fares, and charges, and the custody, safeguarding, and
1089 application of all moneys, and for the employment of consulting
1090 engineers in connection with such acquisition, planning,
1091 development, construction, reconstruction, improvement,
1092 maintenance, repair, or operation. It shall be lawful for any
1093 bank or trust company incorporated under the laws of the state
1094 or the United States which may act as a depository of the
1095 proceeds of bonds or of revenues to furnish such indemnifying
1096 bonds or to pledge such securities as may be required by Space
1097 Florida ~~the authority~~. Such resolution or trust agreement may
1098 set forth the rights and remedies of the bondholders and of the
1099 trustee, if any, and may restrict the individual right of action
1100 by bondholders. The board may provide for the payment of the
1101 proceeds of the sale of the bonds and the revenues of any
1102 project to such officer, board, or depository as it may

1103 designate for the custody thereof, and for the method of
1104 disbursement thereof, with such safeguards and restrictions as
1105 it may determine. All expenses incurred in carrying out the
1106 provisions of such resolution or trust agreement may be treated
1107 as part of the cost of the project to which such trust agreement
1108 pertains.

1109 Section 35. Section 331.339, Florida Statutes, is amended
1110 to read:

1111 331.339 Sale of bonds.--Bonds may be sold in blocks or
1112 installments at different times, or an entire issue or series
1113 may be sold at one time. Bonds may only be sold at public sale
1114 after being advertised and publicly noticed, unless Space
1115 Florida ~~the authority~~ has previously complied with the
1116 provisions of s. 218.385. Bonds may be sold or exchanged for
1117 refunding bonds. Special assessment and revenue bonds may be
1118 delivered as payment by Space Florida ~~the authority~~ of the
1119 purchase price or lease of any project or part thereof, or a
1120 combination of projects or parts thereof, or as the purchase
1121 price of, or exchange for, any property, real, personal, or
1122 mixed, including franchises, or services rendered by any
1123 contractor, engineer, or other person, all at one time or in
1124 blocks from time to time, in such manner and upon such terms as
1125 the board in its discretion shall determine. The price or prices
1126 for any bonds sold, exchanged, or delivered may be:

1127 (1) The money paid for the bonds.

1128 (2) The principal amount, plus accrued interest to date of
1129 redemption or exchange, of outstanding obligations exchanged for
1130 refunding bonds.

1131 (3) In the case of special assessment or revenue bonds,
1132 the amount of any indebtedness to contractors or other persons

1133 paid with such bonds, or the fair value of any properties
1134 exchanged for the bonds, as determined by the board.
1135 Section 36. Section 331.340, Florida Statutes, is amended
1136 to read:
1137 331.340 Authorization and form of bonds.--Bonds may be
1138 authorized by resolution or resolutions of the board which shall
1139 be adopted by a majority of all of the members thereof then in
1140 office and present at the meeting at which the resolution or
1141 resolutions are adopted and shall be approved as provided in s.
1142 331.305. The resolution or resolutions of the board may be
1143 adopted at the same meeting at which they are introduced, and
1144 shall be published and noticed. The board may by resolution
1145 authorize the issuance of bonds, fix the aggregate amount of
1146 bonds to be issued, the purpose or purposes for which the moneys
1147 derived therefrom shall be expanded, the rate or rates of
1148 interest, the denomination of the bonds, whether or not the
1149 bonds are to be issued in one or more series, the date or dates
1150 thereof, the date or dates of maturity, which shall not exceed
1151 40 years from their respective dates of issuance, the medium of
1152 payment, the place or places within or without the state where
1153 payment shall be made, registration privileges, redemption terms
1154 and privileges (whether with or without premium), the manner of
1155 execution, the form of the bonds including any interest coupons
1156 to be attached thereto, the manner of execution of bonds and
1157 coupons, and any and all other terms, covenants, and conditions
1158 thereof, and the establishment of reserve or other funds. Such
1159 authorizing resolution may further provide that such bonds may
1160 be executed manually or by engraved, lithographed, or facsimile
1161 signature, provided that where signatures are engraved,
1162 lithographed, or facsimile no bond shall be valid unless
1163 countersigned by a registrar or other officer designated by

1164 appropriate resolution of the board. The seal of Space Florida
1165 ~~the authority~~ may be affixed, lithographed, engraved, or
1166 otherwise reproduced in facsimile on such bonds. In case any
1167 officer whose signature or a facsimile of whose signature shall
1168 appear on any bonds or coupons shall cease to be such officer
1169 before the delivery of such bonds, such signature or facsimile
1170 shall nevertheless be valid and sufficient for all purposes the
1171 same as if the officer had remained in office until such
1172 delivery.
1173 Section 37. Section 331.343, Florida Statutes, is amended
1174 to read:
1175 331.343 Defeasance.--The board may make such provision
1176 with respect to the defeasance of the right, title, and interest
1177 of the holders of any of the bonds and obligations of Space
1178 Florida ~~the authority~~ in any revenues, funds, or other
1179 properties by which such bonds are secured as the board deems
1180 appropriate and, without limitation on the foregoing, may
1181 provide that when such bonds or obligations become due and
1182 payable or shall have been called for redemption, and the whole
1183 amount of the principal and the interest and premium, if any,
1184 due and payable upon the bonds or obligations when outstanding
1185 shall be paid, or sufficient moneys or direct obligations of the
1186 United States Government the principal of and the interest on
1187 which when due will provide sufficient moneys, shall be held or
1188 deposited in trust for such purpose, and provision shall also be
1189 made for paying all other sums payable in connection with such
1190 bonds or other obligations, then and in such event the right,
1191 title, and interest of the holders of the bonds in any revenues,
1192 funds, or other properties by which such bonds are secured shall
1193 thereupon cease, terminate, and become void; and the board may
1194 apply any surplus in any sinking fund established in connection

1195 with such bonds or obligations and all balances remaining in all
1196 other funds or accounts other than money held for the redemption
1197 or payment of the bonds or other obligations to any lawful
1198 purpose of Space Florida ~~the authority~~ as the board shall
1199 determine.
1200 Section 38. Section 331.345, Florida Statutes, is amended
1201 to read:
1202 331.345 Covenants.--Any resolution authorizing the
1203 issuance of bonds may contain such covenants as the board may
1204 deem advisable and all such covenants shall constitute valid and
1205 legally binding and enforceable contracts between Space Florida
1206 ~~the authority~~ and the bondholders, regardless of the time of
1207 issuance thereof. Such covenants may include, without
1208 limitation, covenants concerning the disposition of the bond
1209 proceeds, the use and disposition of project revenues, the
1210 pledging of revenues, and assessments, the obligations of Space
1211 Florida ~~the authority~~ with respect to the operation of the
1212 project and the maintenance of adequate project revenues, the
1213 issuance of additional bonds, the appointment, powers, and
1214 duties of trustees and receivers, the acquisition of outstanding
1215 bonds and obligations, restrictions on the establishing of
1216 competing projects or facilities, restrictions on the sale or
1217 disposal of the assets and property of Space Florida ~~the~~
1218 ~~authority~~, the priority of assessment liens, the priority of
1219 claims by bondholders on the taxing power of Space Florida ~~the~~
1220 ~~authority~~, the maintenance of deposits to assure the payment of
1221 revenues by users of spaceport facilities and services, the
1222 discontinuance of Space Florida ~~authority~~ services by reason of
1223 delinquent payments, acceleration upon default, the execution of
1224 necessary instruments, the procedure for amending or abrogating
1225 covenants with the bondholders, and such other covenants as may

1226 be deemed necessary or desirable for the security of the
1227 bondholders.
1228 Section 39. Section 331.346, Florida Statutes, is amended
1229 to read:
1230 331.346 Validity of bonds; validation proceedings.--Any
1231 bonds issued by Space Florida are ~~the authority shall be~~
1232 incontestable in the hands of bona fide purchasers or holders
1233 for value and shall not be invalid because of any irregularity
1234 or defect in the proceedings for the issue and sale thereof.
1235 Prior to the issuance of any bonds, Space Florida ~~the authority~~
1236 shall publish a notice at least once in a newspaper or
1237 newspapers published or of general circulation in the
1238 appropriate counties in the state, stating the date of adoption
1239 of the resolution authorizing such obligations, the amount,
1240 maximum rate of interest, and maturity of such obligations, and
1241 the purpose in general terms for which such obligations are to
1242 be issued, and further stating that no action or proceeding
1243 questioning the validity of such obligations or of the
1244 proceedings authorizing the issuance thereof, or of any
1245 covenants made therein, must be instituted within 20 days after
1246 the first publication of such notice, or the validity of such
1247 obligations, proceedings, and covenants shall not be thereafter
1248 questioned in any court whatsoever. If no such action or
1249 proceeding is so instituted within such 20-day period, then the
1250 validity of such obligations, proceedings, and covenants shall
1251 be conclusive, and all persons or parties whatsoever shall be
1252 forever barred from questioning the validity of such
1253 obligations, proceedings, or covenants in any court whatsoever.
1254 Section 40. Section 331.347, Florida Statutes, is amended
1255 to read:

1256 331.347 Act furnishes full authority for issuance of
1257 bonds.--This act constitutes full and complete authority for the
1258 issuance of bonds and the exercise of the powers of Space
1259 Florida ~~the authority~~ provided herein. Any and all bonds issued
1260 by Space Florida may ~~the authority shall~~ not be secured by the
1261 full faith and credit of the State of Florida and do not
1262 constitute an obligation, either general or special, thereof.
1263 Section 41. Section 331.348, Florida Statutes, is amended
1264 to read:
1265 331.348 Investment of funds.--The board may in its
1266 discretion invest funds of Space Florida ~~the authority~~ through
1267 the Chief Financial Officer or in:
1268 (1) Direct obligations of or obligations guaranteed by the
1269 United States or for the payment of the principal and interest
1270 of which the faith and credit of the United States is pledged;
1271 (2) Bonds or notes issued by any of the following federal
1272 agencies: Bank for Cooperatives; federal intermediate credit
1273 banks; federal home loan bank system; federal land banks; or the
1274 Federal National Mortgage Association (including debentures or
1275 participating certificates issued by such association);
1276 (3) Public housing bonds issued by public housing
1277 authorities and secured by a pledge or annual contributions
1278 under an annual contribution contract or contracts with the
1279 United States;
1280 (4) Bonds or other interest-bearing obligations of any
1281 county, district, city, or town located in the state for which
1282 the full faith and credit of such political subdivision is
1283 pledged;
1284 (5) Any investment authorized for insurers by ss. 625.306-
1285 625.316 and amendments thereto; or

1286 (6) Any investment authorized under s. 17.57 and
1287 amendments thereto.
1288 Section 42. Section 331.349, Florida Statutes, is amended
1289 to read:
1290 331.349 Fiscal year of Space Florida ~~the authority~~.--The
1291 board has the power to establish and from time to time
1292 redetermine the fiscal year of Space Florida ~~the authority~~.
1293 Unless the board otherwise provides, Space Florida's ~~the~~
1294 ~~authority's~~ fiscal year shall be July 1 through June 30.
1295 Section 43. Section 331.350, Florida Statutes, is amended
1296 to read:
1297 331.350 Insurance coverage of Space Florida ~~the authority~~;
1298 safety program.--
1299 (1) Notwithstanding any other provision of law, the State
1300 Risk Management Trust Fund established under s. 284.30 shall not
1301 insure buildings and property owned or leased by Space Florida
1302 ~~the authority~~.
1303 (2) Notwithstanding any other provision of law, the State
1304 Risk Management Trust Fund established under s. 284.30 shall not
1305 insure against any liability of Space Florida ~~the authority~~.
1306 (3) Space Florida ~~The authority~~ shall establish a safety
1307 program. The safety program shall include:
1308 (a) The development and implementation of a loss
1309 prevention program which shall consist of a comprehensive
1310 ~~authoritywide~~ safety program for all of Space Florida, including
1311 a statement, established by the board of supervisors, of safety
1312 policy and responsibility.
1313 (b) Provision for regular and periodic facility and
1314 equipment inspections.

1315 (c) Investigation of job-related employee accidents and
1316 other accidents occurring on the premises of Space Florida ~~the~~
1317 ~~authority~~ or within areas of its jurisdiction.
1318 (d) Establishment of a program to promote increased safety
1319 awareness among employees, agents, and subcontractors of Space
1320 Florida ~~the authority~~.
1321 (4)(a) Space Florida ~~The authority~~ shall~~, if available,~~
1322 secure insurance coverage, if available, within reasonable
1323 limits for liability which may arise as a consequence of its
1324 responsibilities.
1325 (b) Space Florida ~~The authority~~ shall~~, if available, and~~
1326 ~~if cost effective,~~ secure insurance coverage, if available and
1327 cost-effective, on its buildings, facilities, and property at
1328 reasonable levels.
1329 (c) Space Florida ~~The authority~~, with respect to the
1330 purchase of insurance, shall be subject to the applicable
1331 provisions of chapter 287 and other applicable law.
1332 Section 44. Section 331.351, Florida Statutes, is amended
1333 to read:
1334 331.351 Participation by women, minorities, and socially
1335 and economically disadvantaged business enterprises
1336 encouraged.--It is the intent of the Legislature and the public
1337 policy of this state that women, minorities, and socially and
1338 economically disadvantaged business enterprises be encouraged to
1339 participate fully in all phases of economic and community
1340 development. Accordingly, to achieve such purpose, Space Florida
1341 ~~the authority shall~~, in accordance with applicable state and
1342 federal law, shall involve and utilize women, minorities, and
1343 socially and economically disadvantaged business enterprises in
1344 all phases of the design, development, construction,

1345 maintenance, and operation of spaceports developed under this
1346 act.
1347 Section 45. Section 331.354, Florida Statutes, is amended
1348 to read:
1349 331.354 Tax exemption.--The exercise of the powers granted
1350 by this act in all respects shall be for the benefit of the
1351 people of the state, for the increase of their industry and
1352 prosperity, for the improvement of their health and living
1353 conditions, and for the provision of gainful employment and
1354 shall constitute the performance of essential public functions.
1355 Space Florida ~~The authority~~ shall not be required to pay any
1356 taxes on any project or any other property owned by Space
1357 Florida ~~the authority~~ under the provisions of this act or upon
1358 the income therefrom. The bonds issued under the provisions of
1359 this act or upon the income therefrom (including any profit made
1360 on the sale thereof), and all notes, mortgages, security
1361 agreements, letters of credit, or other instruments which arise
1362 out of or are given to secure the repayment of bonds issued in
1363 connection with a project financed under this act, shall at all
1364 times be free from taxation by the state or any local unit,
1365 political subdivision, or other instrumentality of the state.
1366 Nothing in this section, however, shall be construed as
1367 exempting from taxation or assessments the leasehold interest of
1368 a lessee in any project or any other property or interest owned
1369 by the lessee. The exemption granted by this section shall not
1370 be applicable to any tax imposed by chapter 220 on interest,
1371 income, or profits on debt obligations owned by corporations.
1372 Section 46. Paragraph (a) of subsection (1) and subsection
1373 (2) of section 331.355, Florida Statutes, are amended to read:
1374 331.355 Use of name; ownership rights to intellectual
1375 property.--

1376 (1)(a) The corporate name of a corporation incorporated or
1377 authorized to transact business in this state, or the name of
1378 any person or business entity transacting business in this
1379 state, may not use the words "spaceport Florida," ~~or~~ "Florida
1380 spaceport," "Space Florida," "Florida Space Authority," "Florida
1381 Space Research Institute," or "Florida Aerospace Finance
1382 Corporation" in its name unless Space Florida ~~the authority~~
1383 gives written approval for such use.
1384 (2) Notwithstanding any provision of chapter 286, the
1385 legal title and every right, interest, claim, or demand of any
1386 kind in and to any patent, trademark, copyright, certification
1387 mark, or other right acquired under the patent and trademark
1388 laws of the United States or this state or any foreign country,
1389 or the application for the same, as is owned or held, acquired,
1390 or developed by Space Florida ~~the authority~~, under the authority
1391 and directions given it by this part, is vested in Space Florida
1392 ~~the authority~~ for the use, benefit, and purposes provided in
1393 this part. Space Florida ~~The authority~~ is vested with and is
1394 authorized to exercise any and all of the normal incidents of
1395 such ownership, including the receipt and disposition of
1396 royalties. Any sums received as royalties from any such rights
1397 are hereby appropriated to Space Florida ~~the authority~~ for any
1398 and all of the purposes and uses provided in this part.
1399 Section 47. Subsections (2) and (3) of section 331.360,
1400 Florida Statutes, are amended to read:
1401 331.360 Joint project agreement or assistance; spaceport
1402 master plan.--
1403 (2) Notwithstanding any other provision of law, the
1404 Department of Transportation may enter into a joint project
1405 agreement with, or otherwise assist, Space Florida ~~the Florida~~
1406 ~~Space Authority~~ as necessary to effectuate the provisions of

1407 this chapter and may allocate funds for such purposes in its 5-
1408 year work program. However, the department may not fund the
1409 administrative or operational costs of Space Florida ~~the~~
1410 ~~authority~~.
1411 (3) Space Florida ~~The authority~~ shall develop a spaceport
1412 master plan for expansion and modernization of space
1413 transportation facilities within spaceport territories as
1414 defined in s. 331.303(23). The plan shall contain recommended
1415 projects to meet current and future commercial, national, and
1416 state space transportation requirements. Space Florida ~~The~~
1417 ~~authority~~ shall submit the plan to any appropriate metropolitan
1418 planning organization ~~M.P.O.~~ for review of intermodal impacts.
1419 Space Florida ~~The authority~~ shall submit the spaceport master
1420 plan to the Department of Transportation, and such plan may be
1421 included within the department's 5-year work program of
1422 qualifying aerospace discretionary capacity improvement under
1423 subsection (4). The plan shall identify appropriate funding
1424 levels and include recommendations on appropriate sources of
1425 revenue that may be developed to contribute to the State
1426 Transportation Trust Fund.
1427 Section 48. Subsections (1) and (3) and paragraphs (a) and
1428 (b) of subsection(4) of section 331.367, Florida Statutes, are
1429 amended to read:
1430 331.367 Space Florida ~~Spaceport~~ Management Council.--
1431 (1) The Space Florida ~~Spaceport~~ Management Council is
1432 created within Space Florida ~~the Florida Space Authority~~ to
1433 provide coordination between government agencies and commercial
1434 operators for the purpose of developing recommendations on
1435 projects and activities to increase the operability and
1436 capabilities of Florida's space launch facilities, increase
1437 statewide space-related industry and opportunities, and promote

1438 space education, research, and technology development. The
1439 council shall work to create integrated facility and
1440 programmatic development plans to address commercial, state, and
1441 federal requirements and to identify appropriate private, state,
1442 and federal resources to implement these plans.
1443 (3) The council shall submit its recommendations to the
1444 Governor, the ~~and~~ Lieutenant Governor, the President of the
1445 Senate, and the Speaker of the House of Representatives and
1446 provide copies to the Secretary of Transportation, the director
1447 of the Office of Tourism, Trade, and Economic Development, the
1448 associate administrator for Space Transportation in the United
1449 States Department of Transportation, the administrator of the
1450 National Aeronautics and Space Administration, the Deputy
1451 Assistant Secretary of the Air Force for Space Plans and Policy,
1452 and the ex officio nonvoting council members of the Senate and
1453 the House of Representatives.
1454 (4)~~(a)~~ The council shall be composed of an executive board
1455 ~~consisting of representatives of governmental organizations~~
1456 ~~having responsibilities for developing or operating space~~
1457 ~~transportation facilities,~~ and a Space Industry Committee
1458 ~~consisting of representatives of Florida's space industry~~.
1459 (a)~~(b)~~ The executive board consists of the following
1460 individuals or their designees:
1461 1. The executive director of Space Florida ~~the Florida~~
1462 ~~Space Authority~~.
1463 2. The executive director of the Florida Space Research
1464 Institute.
1465 3. The president of the Florida Aerospace Finance
1466 Corporation.
1467 4. A representative of the Space Industry Committee.
1468 5.~~2.~~ The Secretary of Transportation.

1469 6.~~3.~~ The president of Enterprise Florida, Inc., as an ex
1470 officio nonvoting member.
1471 7.~~4.~~ The director of the Office of Tourism, Trade, and
1472 Economic Development.
1473 (b) The Space Industry Committee shall consist of
1474 representatives of space flight businesses in this state, as
1475 defined in s. 212.031.
1476 Section 49. Section 331.368, Florida Statutes, is amended
1477 to read:
1478 331.368 Florida Space Research Institute.--
1479 (1) There is created the Florida Space Research Institute,
1480 the purpose of which is to serve as an industry-driven center
1481 for research, leveraging the state's resources in a
1482 collaborative effort to support Florida's space industry and its
1483 expansion, diversification, and transition to commercialization.
1484 (2) The institute shall operate as a public/private
1485 partnership under the direction of a board composed of:
1486 (a) A representative of Space Florida ~~the Florida Space~~
1487 ~~Authority~~.
1488 (b) A representative of Enterprise Florida, Inc.
1489 (c) A representative of the Florida Aviation Aerospace
1490 Alliance.
1491 (d) A representative of the Florida Aerospace Finance
1492 Corporation ~~Space Business Roundtable~~.
1493 (e) Additional private-sector representatives from the
1494 space industry selected collaboratively by the core members
1495 specified in paragraphs (a)-(d). The additional space industry
1496 representatives under this paragraph must comprise the majority
1497 of members of the board and must be from geographic regions
1498 throughout the state. Each private-sector representative shall
1499 be appointed to a term of 3 years.

1500 (f) Two representatives from the educational community who
1501 are selected collaboratively by the core members specified in
1502 paragraphs (a)-(d) and who are engaged in research or
1503 instruction related to the space industry. One representative
1504 must be from a community college, and one representative must be
1505 from a public or private university. Each educational
1506 representative shall be appointed to a term of 2 years.
1507 (g) Additional ex officio, nonvoting representatives
1508 selected collaboratively by the core members.
1509 (3) Annually, the members of the board shall select one of
1510 the members to serve as chair, who shall be responsible for
1511 convening and leading meetings of the board.
1512 (4) Board members are considered to be volunteers as
1513 defined in s. 110.501 and shall serve with all protections
1514 provided to volunteers of state agencies under s. 768.1355.
1515 (5) For the purposes of contracts and grants, s. 216.346
1516 shall apply to the institute's programs with state universities
1517 and community colleges.
1518 (6) The Florida Space Research Institute may:
1519 (a) Acquire property under such conditions as the board
1520 may deem necessary or desirable, and sell or otherwise dispose
1521 of the same.
1522 (b) Serve as a coordinating organization among public and
1523 private academic institutions, industry, and government agencies
1524 to support the expansion and diversification of Florida's space
1525 industry, and to support research and education programs.
1526 (c) Execute contracts and other documents, adopt
1527 proceedings, and perform any acts determined by the board to be
1528 necessary to carry out the purposes of this section.

1529 (d) Establish a personnel management system and
1530 procedures, rules, and rates governing administrative and
1531 financial operations of the institute.
1532 (e) Acquire, accept, or administer grants, contracts, and
1533 fees from other organizations to perform activities that are
1534 consistent with the purposes of this section.
1535 (f) Work in partnership with Space Florida ~~the Florida~~
1536 ~~Space Authority~~, Enterprise Florida, Inc., the Department of
1537 Education, and other organizations to support their programs to
1538 promote the state as a center for space enterprise, research,
1539 and technology development.
1540 (g) Work in collaboration with one or more universities
1541 and other public or private entities to develop a proposal for a
1542 Center of Excellence for Aerospace that will foster and promote
1543 the research necessary to develop commercially promising,
1544 advanced, and innovative science and technology and will
1545 transfer those discoveries to the commercial sector.
1546 (7) The board of the Florida Space Research Institute
1547 shall:
1548 (a) Set the strategic direction for the space-related
1549 research priorities of the state and its space-related
1550 businesses, the scope of research projects for the institute,
1551 and the timeframes for completion.
1552 (b) Invite the participation of public and private
1553 academic institutions, including, but not limited to, the
1554 University of Central Florida, the University of Florida, the
1555 University of South Florida, Florida State University, Florida
1556 Institute of Technology, Embry-Riddle Aeronautical University,
1557 and the University of Miami.
1558 (c) ~~Select a lead university to:~~
1559 ~~1. Serve as coordinator of research for the institute;~~

1560 ~~2. Support the institute's development of a statewide~~
1561 ~~space research agenda and programs; and~~
1562 ~~3.~~ Develop, and update as necessary, a report recommending
1563 ways that the state's public and private universities can work
1564 in partnership to support the state's space-industry
1565 requirements.
1566 (d) Establish a partnership with the state Workforce
1567 Development Board, or its successor entity, under which the
1568 institute coordinates the workforce-training requirements
1569 identified by the space industry and supports development of
1570 workforce-training initiatives to meet such requirements, using
1571 training providers approved by the board or its successor
1572 entity.
1573 (e) Manage ~~Comanage, with the National Aeronautics and~~
1574 ~~Space Administration and subject to the terms of an agreement~~
1575 ~~with NASA,~~ operation of the Space Life Sciences Laboratory ~~a~~
1576 ~~Space Experiment Research and Processing Laboratory, if such a~~
1577 ~~facility is constructed on land of the John F. Kennedy Space~~
1578 ~~Center. The institute shall carry out such responsibility~~
1579 ~~through a consortium of public and private universities in the~~
1580 ~~state led by the University of Florida~~.
1581 (f) Pursuant to s. 1004.86, work in conjunction with the
1582 Department of Education to establish a Center for Mathematics
1583 and Science Education Research at a state university.
1584 (g) ~~(f)~~ Develop initiatives to foster the participation of
1585 the state's space industry in the International Space Station
1586 and to help the state maintain and enhance its competitive
1587 position in the commercial space-transportation industry.
1588 (h) ~~(g)~~ Pursue partnerships with the National Aeronautics
1589 and Space Administration to coordinate and conduct research in
1590 fields including, but not limited to, environmental monitoring;

1591 agriculture; aquatics; resource reutilization technologies for
1592 long-duration space missions; and spaceport technologies which
1593 support current or next-generation launch vehicles and range
1594 systems.
1595 (i) ~~(h)~~ Pursue partnerships with the National Aeronautics
1596 and Space Administration for the conduct of space-related
1597 research using computer technology to connect experts in a given
1598 field of science who are in disparate locations and to perform
1599 research experiments in a real-time, virtual environment.
1600 (j) ~~(i)~~ Appoint or dismiss, as deemed necessary by the
1601 board, a person to act as executive director of the institute,
1602 who shall have such other functions, duties, powers, and salary
1603 as the board prescribes.
1604 (k) Develop a strategy for and implement the acceleration
1605 of space-related education.
1606 (l) Engage in the planning and implementation of space-
1607 related educational development within the state.
1608 (8) By December 15 of each year, the institute shall
1609 submit a report of its activities and accomplishments for the
1610 year to the Governor, the President of the Senate, the Speaker
1611 of the House of Representatives, and the Commissioner of
1612 Education. The report shall also include recommendations
1613 regarding actions the state should take to enhance the
1614 development of space-related businesses, including:
1615 (a) Future research activities.
1616 (b) The development of capital and technology assistance
1617 to new and expanding industries.
1618 (c) The removal of regulatory impediments.
1619 (d) The establishment of business development incentives.
1620 (e) The initiation of education and training programs to
1621 ensure a skilled workforce.

1622 Section 50. Section 331.370, Florida Statutes, is created
1623 to read:
1624 331.370 Program evaluation.--The Office of Program Policy
1625 Analysis and Government Accountability shall conduct a program
1626 evaluation of Space Florida, the Florida Space Research
1627 Institute, and the Florida Aerospace Finance Corporation. The
1628 evaluation shall assess the implementation and outcomes of
1629 activities using data and information regarding the most
1630 recently completed fiscal year and ongoing operations. At a
1631 minimum, the evaluation shall address:
1632 (1) Evaluation of statutory roles and functions.
1633 (2) Management structure.
1634 (3) Overall performance and effectiveness in meeting
1635 statutory requirements.
1636 (4) Degree of coordination and cooperation with other
1637 space entities.
1638
1639 The report shall be submitted to the Governor, the President of
1640 the Senate, and the Speaker of the House of Representatives by
1641 January 31, 2007.
1642 Section 51. Subsections (2) through (10) of section
1643 331.405, Florida Statutes, are amended to read:
1644 331.405 Definitions.--As used in this part:
1645 (2) "Aerospace industry" means the industry concerned with
1646 the design and manufacture of aircraft, rockets, missiles,
1647 spacecraft, satellites, space vehicles, space stations, or space
1648 facilities, and related ~~or~~ components ~~thereof~~, ~~and~~ equipment,
1649 systems, facilities, simulators, programs, and activities,
1650 including the application of aerospace technologies in air-
1651 based, land-based, and sea-based platforms for commercial,
1652 civil, and defense purposes ~~related thereto~~.

1653 ~~(3) "Authority" means the Florida Space Authority created~~
1654 ~~by s. 331.302.~~
1655 (3)~~(4)~~ "Board" means the governing body of the
1656 corporation.
1657 (4)~~(5)~~ "Corporation" means the Florida Aerospace Finance
1658 Corporation.
1659 (5)~~(6)~~ "Domiciled in this state" means registered to do
1660 business in Florida.
1661 (6)~~(7)~~ "Financial institution" has the same meaning as in
1662 s. 655.005(1)(h).
1663 (7)~~(8)~~ "Financing agreement" has the same meaning as in s.
1664 331.303(10).
1665 (8)~~(9)~~ "Member" means an individual appointed to be a
1666 member of the board.
1667 (9)~~(10)~~ "President" means the chief executive officer of
1668 the corporation.
1669 Section 52. Subsection (2) of section 331.407, Florida
1670 Statutes, is amended to read:
1671 331.407 Florida Aerospace Finance Corporation.--
1672 (2) The corporation may ~~shall have the power and authority~~
1673 ~~to carry out the following functions~~:
1674 (a) ~~To~~ Coordinate its efforts with programs and goals of
1675 the United States Air Force, the National Aeronautics and Space
1676 Administration, the Export-Import Bank, the International Trade
1677 Administration of the United States Department of Commerce, the
1678 Foreign Credit Insurance Association, Enterprise Florida, Inc.,
1679 and its boards, and other private and public programs and
1680 organizations, domestic and foreign.
1681 (b) ~~To~~ Establish a network of contacts among those
1682 domestic and foreign public and private organizations which

1683 provide information, technical assistance, and financial support
1684 to the aerospace industry.
1685 (c) ~~To~~ Assemble, publish, and disseminate information on
1686 financing opportunities and techniques of financing aerospace
1687 projects, programs, and activities; sources of public and
1688 private aerospace financing assistance; and sources of
1689 aerospace-related financing.
1690 (d) ~~To~~ Organize, host, and participate in seminars and
1691 other forums designed to disseminate information and technical
1692 assistance regarding aerospace-related financing.
1693 (e) ~~To~~ Insure, coinsure, lend, and guarantee loans, and to
1694 originate for sale direct aerospace-related loans, pursuant to
1695 criteria, bylaws, policies, and procedures adopted by the board.
1696 (f) ~~To~~ Capitalize, underwrite, and secure funding for
1697 aerospace infrastructure, satellites, launch vehicles, and any
1698 service which supports aerospace launches.
1699 (g) ~~To~~ Construct, lease, or sell aerospace infrastructure,
1700 satellites, launch vehicles, and any other related activities
1701 and services.
1702 (h) ~~To~~ Acquire property, including real, personal,
1703 tangible, intangible, or mixed, under such conditions as the
1704 board may deem necessary or desirable, and sell or otherwise
1705 dispose of the same.
1706 (i) ~~To~~ Make and exercise any and all contracts or other
1707 instruments necessary or convenient to the exercise of its
1708 powers, including financing agreements.
1709 <u>(j) Contract for innovative mathematics and science</u>
1710 <u>education programs targeting for grades 6 and 7 and meeting</u>
1711 <u>state standards. These programs may include hands-on or</u>
1712 <u>Internet-based aerospace education, provide transportation</u>
1713 <u>between schools and facilities if necessary, provide overnight</u>

1714 accommodations if necessary, and provide direct exposure to the
1715 state's space infrastructure. Proceeds deposited pursuant to s.
1716 212.20(6)(d) and private sector support shall be used for the
1717 purposes of this paragraph.
1718 Section 53. Paragraph (a) of subsection (1) of section
1719 331.411, Florida Statutes, is amended to read:
1720 331.411 Board of directors; powers and duties.--
1721 (1) There is created a board of directors of the
1722 corporation, which shall consist of up to 7 voting members as
1723 follows:
1724 (a) One representative appointed by each of the following:
1725 1. The board of supervisors of Space Florida ~~the Florida~~
1726 ~~Space Authority~~.
1727 2. The board of directors of the Florida Export Finance
1728 Corporation.
1729 3. The director of the Office of Tourism, Trade, and
1730 Economic Development.
1731 4. The board of directors of Enterprise Florida, Inc.
1732 5. The Secretary of Transportation.
1733
1734 The board shall also include two ex officio nonvoting members, a
1735 member of the House of Representatives selected by the Speaker
1736 of the House of Representatives, and a member of the Senate
1737 selected by the President of the Senate, both of whom shall
1738 serve 2-year terms.
1739 Section 54. Section 74.011, Florida Statutes, is amended
1740 to read:
1741 74.011 Scope.--In any eminent domain action, properly
1742 instituted by and in the name of the state; the Department of
1743 Transportation; any county, school board, municipality,
1744 expressway authority, regional water supply authority,

1745 transportation authority, flood control district, or drainage or
1746 subdrainage district; the ship canal authority; any lawfully
1747 constituted housing, port, or aviation authority; Space Florida
1748 ~~the Florida Space Authority~~; or any rural electric cooperative,
1749 telephone cooperative corporation, or public utility
1750 corporation, the petitioner may avail itself of the provisions
1751 of this chapter to take possession and title in advance of the
1752 entry of final judgment.
1753 Section 55. Subsection (6) of section 196.012, Florida
1754 Statutes, is amended to read:
1755 196.012 Definitions.--For the purpose of this chapter, the
1756 following terms are defined as follows, except where the context
1757 clearly indicates otherwise:
1758 (6) Governmental, municipal, or public purpose or function
1759 shall be deemed to be served or performed when the lessee under
1760 any leasehold interest created in property of the United States,
1761 the state or any of its political subdivisions, or any
1762 municipality, agency, special district, authority, or other
1763 public body corporate of the state is demonstrated to perform a
1764 function or serve a governmental purpose which could properly be
1765 performed or served by an appropriate governmental unit or which
1766 is demonstrated to perform a function or serve a purpose which
1767 would otherwise be a valid subject for the allocation of public
1768 funds. For purposes of the preceding sentence, an activity
1769 undertaken by a lessee which is permitted under the terms of its
1770 lease of real property designated as an aviation area on an
1771 airport layout plan which has been approved by the Federal
1772 Aviation Administration and which real property is used for the
1773 administration, operation, business offices and activities
1774 related specifically thereto in connection with the conduct of
1775 an aircraft full service fixed base operation which provides

1776 goods and services to the general aviation public in the
1777 promotion of air commerce shall be deemed an activity which
1778 serves a governmental, municipal, or public purpose or function.
1779 Any activity undertaken by a lessee which is permitted under the
1780 terms of its lease of real property designated as a public
1781 airport as defined in s. 332.004(14) by municipalities,
1782 agencies, special districts, authorities, or other public bodies
1783 corporate and public bodies politic of the state, a spaceport as
1784 defined in s. 331.303(19), or which is located in a deepwater
1785 port identified in s. 403.021(9)(b) and owned by one of the
1786 foregoing governmental units, subject to a leasehold or other
1787 possessory interest of a nongovernmental lessee that is deemed
1788 to perform an aviation, airport, aerospace, maritime, or port
1789 purpose or operation shall be deemed an activity that serves a
1790 governmental, municipal, or public purpose. The use by a lessee,
1791 licensee, or management company of real property or a portion
1792 thereof as a convention center, visitor center, sports facility
1793 with permanent seating, concert hall, arena, stadium, park, or
1794 beach is deemed a use that serves a governmental, municipal, or
1795 public purpose or function when access to the property is open
1796 to the general public with or without a charge for admission. If
1797 property deeded to a municipality by the United States is
1798 subject to a requirement that the Federal Government, through a
1799 schedule established by the Secretary of the Interior, determine
1800 that the property is being maintained for public historic
1801 preservation, park, or recreational purposes and if those
1802 conditions are not met the property will revert back to the
1803 Federal Government, then such property shall be deemed to serve
1804 a municipal or public purpose. The term "governmental purpose"
1805 also includes a direct use of property on federal lands in
1806 connection with the Federal Government's Space Exploration

1807 Program or spaceport activities as defined in s. 212.02(22).
1808 Real property and tangible personal property owned by the
1809 Federal Government or Space Florida ~~the Florida Space Authority~~
1810 and used for defense and space exploration purposes or which is
1811 put to a use in support thereof shall be deemed to perform an
1812 essential national governmental purpose and shall be exempt.
1813 "Owned by the lessee" as used in this chapter does not include
1814 personal property, buildings, or other real property
1815 improvements used for the administration, operation, business
1816 offices and activities related specifically thereto in
1817 connection with the conduct of an aircraft full service fixed
1818 based operation which provides goods and services to the general
1819 aviation public in the promotion of air commerce provided that
1820 the real property is designated as an aviation area on an
1821 airport layout plan approved by the Federal Aviation
1822 Administration. For purposes of determination of "ownership,"
1823 buildings and other real property improvements which will revert
1824 to the airport authority or other governmental unit upon
1825 expiration of the term of the lease shall be deemed "owned" by
1826 the governmental unit and not the lessee. Providing two-way
1827 telecommunications services to the public for hire by the use of
1828 a telecommunications facility, as defined in s. 364.02(15), and
1829 for which a certificate is required under chapter 364 does not
1830 constitute an exempt use for purposes of s. 196.199, unless the
1831 telecommunications services are provided by the operator of a
1832 public-use airport, as defined in s. 332.004, for the operator's
1833 provision of telecommunications services for the airport or its
1834 tenants, concessionaires, or licensees, or unless the
1835 telecommunications services are provided by a public hospital.
1836 However, property that is being used to provide such

1837 telecommunications services on or before October 1, 1997, shall
1838 remain exempt, but such exemption expires October 1, 2004.
1839 Section 56. Subsection (22) of section 212.02, Florida
1840 Statutes, is amended to read:
1841 212.02 Definitions.--The following terms and phrases when
1842 used in this chapter have the meanings ascribed to them in this
1843 section, except where the context clearly indicates a different
1844 meaning:
1845 (22) "Spaceport activities" means activities directed or
1846 sponsored by Space Florida ~~the Florida Space Authority~~ on
1847 spaceport territory pursuant to its powers and responsibilities
1848 under the Space Florida Act ~~Florida Space Authority Act~~.
1849 Section 57. Paragraph (d) of subsection (6) of section
1850 212.20, Florida Statutes, is amended to read:
1851 212.20 Funds collected, disposition; additional powers of
1852 department; operational expense; refund of taxes adjudicated
1853 unconstitutionally collected.--
1854 (6) Distribution of all proceeds under this chapter and s.
1855 202.18(1)(b) and (2)(b) shall be as follows:
1856 (d) The proceeds of all other taxes and fees imposed
1857 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
1858 and (2)(b) shall be distributed as follows:
1859 1. In any fiscal year, the greater of $500 million, minus
1860 an amount equal to 4.6 percent of the proceeds of the taxes
1861 collected pursuant to chapter 201, or 5 percent of all other
1862 taxes and fees imposed pursuant to this chapter or remitted
1863 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
1864 monthly installments into the General Revenue Fund.
1865 2. Two-tenths of one percent shall be transferred to the
1866 Ecosystem Management and Restoration Trust Fund to be used for
1867 water quality improvement and water restoration projects.

1868 3. After the distribution under subparagraphs 1. and 2.,
1869 8.814 percent of the amount remitted by a sales tax dealer
1870 located within a participating county pursuant to s. 218.61
1871 shall be transferred into the Local Government Half-cent Sales
1872 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
1873 be transferred pursuant to this subparagraph to the Local
1874 Government Half-cent Sales Tax Clearing Trust Fund shall be
1875 reduced by 0.1 percent, and the department shall distribute this
1876 amount to the Public Employees Relations Commission Trust Fund
1877 less $5,000 each month, which shall be added to the amount
1878 calculated in subparagraph 4. and distributed accordingly.
1879 4. After the distribution under subparagraphs 1., 2., and
1880 3., 0.095 percent shall be transferred to the Local Government
1881 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
1882 to s. 218.65.
1883 5. After the distributions under subparagraphs 1., 2., 3.,
1884 and 4., 2.0440 percent of the available proceeds pursuant to
1885 this paragraph shall be transferred monthly to the Revenue
1886 Sharing Trust Fund for Counties pursuant to s. 218.215.
1887 6. After the distributions under subparagraphs 1., 2., 3.,
1888 and 4., 1.3409 percent of the available proceeds pursuant to
1889 this paragraph shall be transferred monthly to the Revenue
1890 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
1891 the total revenue to be distributed pursuant to this
1892 subparagraph is at least as great as the amount due from the
1893 Revenue Sharing Trust Fund for Municipalities and the former
1894 Municipal Financial Assistance Trust Fund in state fiscal year
1895 1999-2000, no municipality shall receive less than the amount
1896 due from the Revenue Sharing Trust Fund for Municipalities and
1897 the former Municipal Financial Assistance Trust Fund in state
1898 fiscal year 1999-2000. If the total proceeds to be distributed

1899 are less than the amount received in combination from the
1900 Revenue Sharing Trust Fund for Municipalities and the former
1901 Municipal Financial Assistance Trust Fund in state fiscal year
1902 1999-2000, each municipality shall receive an amount
1903 proportionate to the amount it was due in state fiscal year
1904 1999-2000.
1905 7. Of the remaining proceeds:
1906 a. In each fiscal year, the sum of $29,915,500 shall be
1907 divided into as many equal parts as there are counties in the
1908 state, and one part shall be distributed to each county. The
1909 distribution among the several counties shall begin each fiscal
1910 year on or before January 5th and shall continue monthly for a
1911 total of 4 months. If a local or special law required that any
1912 moneys accruing to a county in fiscal year 1999-2000 under the
1913 then-existing provisions of s. 550.135 be paid directly to the
1914 district school board, special district, or a municipal
1915 government, such payment shall continue until such time that the
1916 local or special law is amended or repealed. The state covenants
1917 with holders of bonds or other instruments of indebtedness
1918 issued by local governments, special districts, or district
1919 school boards prior to July 1, 2000, that it is not the intent
1920 of this subparagraph to adversely affect the rights of those
1921 holders or relieve local governments, special districts, or
1922 district school boards of the duty to meet their obligations as
1923 a result of previous pledges or assignments or trusts entered
1924 into which obligated funds received from the distribution to
1925 county governments under then-existing s. 550.135. This
1926 distribution specifically is in lieu of funds distributed under
1927 s. 550.135 prior to July 1, 2000.
1928 b. The department shall distribute $166,667 monthly
1929 pursuant to s. 288.1162 to each applicant that has been

1930 certified as a "facility for a new professional sports
1931 franchise" or a "facility for a retained professional sports
1932 franchise" pursuant to s. 288.1162. Up to $41,667 shall be
1933 distributed monthly by the department to each applicant that has
1934 been certified as a "facility for a retained spring training
1935 franchise" pursuant to s. 288.1162; however, not more than
1936 $208,335 may be distributed monthly in the aggregate to all
1937 certified facilities for a retained spring training franchise.
1938 Distributions shall begin 60 days following such certification
1939 and shall continue for not more than 30 years. Nothing contained
1940 in this paragraph shall be construed to allow an applicant
1941 certified pursuant to s. 288.1162 to receive more in
1942 distributions than actually expended by the applicant for the
1943 public purposes provided for in s. 288.1162(6). However, a
1944 certified applicant is entitled to receive distributions up to
1945 the maximum amount allowable and undistributed under this
1946 section for additional renovations and improvements to the
1947 facility for the franchise without additional certification.
1948 c. Beginning 30 days after notice by the Office of
1949 Tourism, Trade, and Economic Development to the Department of
1950 Revenue that an applicant has been certified as the professional
1951 golf hall of fame pursuant to s. 288.1168 and is open to the
1952 public, $166,667 shall be distributed monthly, for up to 300
1953 months, to the applicant.
1954 d. Beginning 30 days after notice by the Office of
1955 Tourism, Trade, and Economic Development to the Department of
1956 Revenue that the applicant has been certified as the
1957 International Game Fish Association World Center facility
1958 pursuant to s. 288.1169, and the facility is open to the public,
1959 $83,333 shall be distributed monthly, for up to 168 months, to
1960 the applicant. This distribution is subject to reduction

1961 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
1962 made, after certification and before July 1, 2000.
1963 e. Each dealer conducting business at a fixed location at
1964 the John F. Kennedy Space Center or Cape Canaveral Air Force
1965 Station, pursuant to a contract with the National Aeronautics
1966 and Space Administration or pursuant to a subcontract to such
1967 contract, shall file with the department a separate monthly
1968 report with segregated tax information regarding taxes collected
1969 on sales, admissions, tours, leases, and licenses taxable under
1970 this chapter. The dealer shall simultaneously file a copy of the
1971 report with the Florida Aerospace Finance Corporation, all of
1972 which is subject to the same confidentiality provisions as are
1973 applicable to returns and information filed with the department
1974 under s. 213.053. Each month, and no later than 30 days after
1975 collection, the department shall distribute to the Florida
1976 Aerospace Finance Corporation account created pursuant to s.
1977 331.415 an amount equal to the proceeds collected by the
1978 department as shown by the returns required by this sub-
1979 subparagraph. However, the monthly distributions may not include
1980 proceeds of discretionary surtaxes due under this chapter. This
1981 sub-subparagraph does not affect any dealer's liability for
1982 other taxes imposed by and under this chapter.
1983 8. All other proceeds shall remain with the General
1984 Revenue Fund.
1985 Section 58. Subsection (7) of section 288.063, Florida
1986 Statutes, is amended to read:
1987 288.063 Contracts for transportation projects.--
1988 (7) For the purpose of this section, Space Florida ~~the~~
1989 ~~Florida Space Authority~~ may serve as the local government or as
1990 the contracting agency for transportation projects within
1991 spaceport territory as defined by s. 331.304.

1992 Section 59. Subsection (1) of section 288.075, Florida
1993 Statutes, is amended to read:
1994 288.075 Confidentiality of records.--
1995 (1) As used in this section, the term "economic
1996 development agency" means the Office of Tourism, Trade, and
1997 Economic Development, any industrial development authority
1998 created in accordance with part III of chapter 159 or by special
1999 law, Space Florida ~~the Florida Space Authority~~ created in part
2000 II of chapter 331, the Florida Aerospace Finance Corporation
2001 created in part III of chapter 331, the public economic
2002 development agency of a county or municipality, or any research
2003 and development authority created in accordance with part V of
2004 chapter 159. The term also includes any private agency, person,
2005 partnership, corporation, or business entity when authorized by
2006 the state, a municipality, or a county to promote the general
2007 business interests or industrial interests of the state or that
2008 municipality or county.
2009 Section 60. Subsection (2) of section 288.35, Florida
2010 Statutes, is amended to read:
2011 288.35 Definitions.--The following terms, wherever used or
2012 referred to in this part, shall have the following meanings:
2013 (2) "Government agency" means the state or any county or
2014 political subdivision thereof; any state agency; any
2015 consolidated government of a county, and some or all of the
2016 municipalities located within said county; any chartered
2017 municipality in the state; and any of the institutions of such
2018 consolidated governments, counties, or municipalities.
2019 Specifically included are airports, port authorities, industrial
2020 authorities, and Space Florida ~~the Florida Space Authority~~.
2021 Section 61. Subsection (2) of section 288.9415, Florida
2022 Statutes, is amended to read:

2023 288.9415 International Trade Grants.--
2024 (2) A county, municipality, economic development council,
2025 Space Florida ~~the Florida Space Authority~~, or a not-for-profit
2026 association of businesses organized to assist in the promotion
2027 of international trade may apply for a grant of state funds for
2028 the promotion of international trade.
2029 Section 62. Section 1004.86, Florida Statutes, is created
2030 to read:
2031 1004.86 Florida Center for Mathematics and Science
2032 Education Research.--
2033 (1) The Department of Education shall contract with a
2034 competitively-selected public or private university to create
2035 and operate the Florida Center for Mathematics and Science
2036 Education Research. The purpose of the center shall be to
2037 increase student achievement in science and mathematics, with an
2038 emphasis on K-12 education. The center shall:
2039 (a) Provide technical assistance and support to school
2040 districts and schools in the development and implementation of
2041 mathematics and science instruction.
2042 (b) Conduct applied research on policy and practices
2043 related to mathematics and science instruction and assessment in
2044 the state.
2045 (c) Conduct or compile basic research regarding student
2046 acquisition of mathematics and science knowledge and skills.
2047 (d) Develop comprehensive course frameworks for mathematics
2048 and science courses that emphasize rigor and relevance at the
2049 elementary, middle, and high school levels. Student achievement
2050 data should be used to aid in the development of course
2051 frameworks for low-performing schools, special needs students,
2052 females, and minorities.

2053 (e) Disseminate information regarding research-based
2054 teaching practices in mathematics and science to teachers and
2055 teacher educators in the state.
2056 (f) Collect, manage, and report on assessment information
2057 regarding student achievement in mathematics and science. The
2058 report shall include student achievement by ethnic group.
2059 (g) Establish partnerships with public and private state
2060 universities, community colleges, school districts, and other
2061 appropriate entities to further increase student achievement in
2062 science and mathematics.
2063 (h) Develop a comprehensive plan, with input from school
2064 districts, to increase the number and percentage of females and
2065 minority students enrolling in and successfully completing
2066 mathematics and science courses.
2067 (2) The department shall monitor the center through the
2068 Division of K-12 Public Schools.
2069 Section 63. This act shall take effect July 1, 2006.
2070
2071
2072 ========== T I T L E A M E N D M E N T ==========
2073 Remove the entire title and insert:
2074 A bill to be entitled
2075 An act relating to aerospace; amending s. 331.301, F.S.;
2076 revising a short title; amending s. 331.302, F.S.;
2077 changing the name of the Florida Space Authority to Space
2078 Florida; revising responsibilities of Space Florida;
2079 amending s. 331.303, F.S.; revising definitions; amending
2080 s. 331.305, F.S., revising powers of Space Florida;
2081 repealing s. 331.307, F.S., relating to the development of
2082 a Cape San Blas spaceport facility; amending s. 331.308,
2083 F.S.; revising membership of the board of supervisors;

2084 amending s. 331.310, F.S.; revising powers of the board of
2085 supervisors; amending s. 331.355, F.S.; revising
2086 requirements for use of names; amending s. 331.367, F.S.;
2087 changing the name of the Spaceport Management Council to
2088 the Space Florida Management Council; expanding
2089 recommendation requirements; revising the composition of
2090 the council's executive board; specifying membership of
2091 the Space Industry Committee; amending s. 331.368, F.S.;
2092 revising membership and duties of the Florida Space
2093 Research Institute board; authorizing the institute to
2094 develop a proposal for a Center of Excellence for
2095 Aerospace for certain purposes; revising responsibilities
2096 of the institute; requiring the institute to establish a
2097 Center for Mathematics and Science Education Research at a
2098 state university; creating s. 331.370, F.S.; directing the
2099 Office of Program Policy Analysis and Government
2100 Accountability to conduct a program evaluation of certain
2101 entities; specifying evaluation requirements; requiring a
2102 report to the Governor and Legislature; amending s.
2103 331.405, F.S.; revising definitions; amending s. 331.407,
2104 F.S.; providing additional authority of the Florida
2105 Aerospace Finance Corporation; amending s. 212.20, F.S.;
2106 requiring certain dealers to file monthly reports of
2107 certain sales tax collections with the Department of
2108 Revenue and the Florida Aerospace Finance Corporation;
2109 requiring the Department of Revenue to distribute certain
2110 sales and use tax revenues to the corporation; providing
2111 an exception; creating s. 1004.86, F.S.; requiring the
2112 Department of Education to establish the Florida Center
2113 for Mathematics and Science Education Research at a state
2114 university; specifying requirements for the center;

2115 requiring the department to monitor the center; amending
2116 ss. 74.011, 196.012, 212.02, 288.063, 288.075, 288.35,
2117 288.9415, 331.306, 331.309, 331.3101, 331.311, 331.312,
2118 331.313, 331.314, 331.315, 331.316, 331.317, 331.318,
2119 331.321, 331.322, 331.323, 331.324, 331.325, 331.326,
2120 331.327, 331.328, 331.329, 331.331, 331.333, 331.334,
2121 331.335, 331.336, 331.337, 331.338, 331.339, 331.340,
2122 331.343, 331.345, 331.346, 331.347, 331.348, 331.349,
2123 331.350, 331.351, 331.354, 331.360, and 331.411, F.S.;
2124 conforming provisions and cross-references; providing an
2125 effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) M. Davis offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. Subsections (2) and (10) of section 163.340,
7 Florida Statutes, are amended, and subsection (24) is added to
8 that section, to read:
9 163.340 Definitions.--The following terms, wherever used
10 or referred to in this part, have the following meanings:
11 (2) "Public body" ~~or "taxing authority"~~ means the state or
12 any county, municipality, authority, special district as defined
13 in s. 165.031(5), or other public body of the state, except a
14 school district.
15 (10) "Community redevelopment area" means a slum area, a
16 blighted area, or an area in which there is a shortage of
17 housing that is affordable to residents of low or moderate
18 income, including the elderly, or a coastal and tourist area
19 that is deteriorating and economically distressed due to
20 outdated building density patterns, inadequate transportation
21 and parking facilities, faulty lot layout or inadequate street
22 layout, or a combination thereof which the governing body

23 designates as appropriate for community redevelopment. For
24 community redevelopment agencies created after July 1, 2006, a
25 community redevelopment area may not consist of more than 80
26 percent of a municipality.
27 (24) "Taxing authority" means a public body that levies or
28 is authorized to levy an ad valorem tax on real property located
29 in a community redevelopment area.
30
31 Section 2. Subsection (2) of section 163.356, Florida Statutes,
32 is amended to read:
33 **163.356 Creation of community redevelopment agency.**
34 2) When the governing body adopts a resolution declaring the
35 need for a community redevelopment agency, that body shall, by
36 ordinance, appoint a board of commissioners of the community
37 redevelopment agency, which shall consist of not fewer than five
38 or more than nine commissioners. The terms of office of the
39 commissioners shall be for 4 years, except that three of the
40 members first appointed shall be designated to serve terms of 1,
41 2, and 3 years, respectively, from the date of their
42 appointments, and all other members shall be designated to serve
43 for terms of 4 years from the date of their appointments. A
44 vacancy occurring during a term shall be filled for the
45 unexpired term. As provided in an interlocal agreement between
46 the governing body that created the agency and one or more
47 taxing authorities, one or more members of the board of

48 commissioners of the agency may be representatives of a taxing
49 authority, including members of that taxing authority's
50 governing body, whose membership on the board of commissioners
51 of the agency would be considered an additional duty of office
52 as a member of the taxing authority governing body.
53 Section 3. Paragraph (d) of Subsection (1) of section
54 163.357, Florida Statutes, is created to read:
55 163.357 Governing body as the community redevelopment
56 agency.--
57 (d) As provided in an interlocal agreement between the
58 governing body that created the agency and one or more taxing
59 authorities, one or more members of the board of commissioners
60 of the agency may be representatives of a taxing authority,
61 including members of that taxing authority's governing body,
62 whose membership on the board of commissioners of the agency
63 would be considered an additional duty of office as a member of
64 the taxing authority governing body.
65 Section 4. Subsection (6) of section 163.360 is amended,
66 to read:
67 163.360 Community redevelopment plans.--
68 (6)(a) The governing body shall hold a public hearing
69 on a community redevelopment plan after public notice thereof by
70 publication in a newspaper having a general circulation in the
71 area of operation of the county or municipality. The notice
72 shall describe the time, date, place, and purpose of the

73 hearing, identify generally the community redevelopment area
74 covered by the plan, and outline the general scope of the
75 community redevelopment plan under consideration.
76 (b) For any governing body that has not authorized by June
77 5, 2006 a study to consider whether a finding of necessity
78 resolution pursuant to 163.355 should be adopted, has not
79 adopted a finding of necessity resolution pursuant to section
80 163.355 by March 31, 2007, has not adopted a community
81 redevelopment plan by June 7, 2007, and was not authorized to
82 exercise community redevelopment powers pursuant to a delegation
83 of authority under s. 163.410 by a county that has adopted a
84 home rule charter, the following additional procedures are
85 required prior to adoption by that governing body of a community
86 redevelopment plan under subsection (7):
87 1. Within 30 days after receipt of any community
88 redevelopment plan recommended by a community redevelopment
89 agency under subsection (5), the county may provide written
90 notice by registered mail to the governing body of the
91 municipality and to the community redevelopment agency that the
92 county has competing policy goals and plans for the public funds
93 the county would be required to deposit to the community
94 redevelopment trust fund under the proposed community
95 redevelopment plan.
96 2. If the notice required in subparagraph 1. is timely
97 provided, the governing body of the county and the governing
98 body of the municipality that created the community
99 redevelopment agency shall schedule and hold a joint hearing co-
100 chaired by the chair of the governing body of the county and the
101 mayor of the municipality, with the agenda to be set by the
102 chair of the governing body of the county, at which the
103 competing policy goals for the public funds shall be discussed.

104 For those community redevelopment agencies for which the board
105 of commissioners of the community redevelopment agency are
106 comprised as specified in 163.356(2), a designee of the
107 community redevelopment agency shall participate in the joint
108 meeting as a non-voting member. Any such hearing must be held
109 within 90 days after receipt by the county of the recommended
110 community redevelopment plan. Prior to the joint public hearing,
111 the county may propose an alternative redevelopment plan that
112 meets the requirements of section 163.360, to address the
113 conditions identified in the resolution making a finding of
114 necessity required by s. 163.355. If such an alternative
115 redevelopment plan is proposed by the county, such plan shall be
116 delivered to the governing body of the municipality that created
117 the community redevelopment agency and to the executive director
118 or other officer of the community redevelopment agency by
119 registered mail at least 30 days prior to holding the joint
120 meeting.
121 3. If the notice required in subparagraph 1. is timely
122 provided, the municipality may not proceed with the adoption of
123 the plan under subsection (7) until 30 days after the joint
124 hearing unless the governing boy of the county has failed to
125 schedule or a majority of the members of the governing body of
126 the county have failed to attend the joint hearing within the
127 required 90-day period.
128 4. Notwithstanding the time requirements established in
129 subparagraphs 2. and 3., the county and the municipality may at
130 any time voluntarily use the dispute resolution process
131 established in chapter 164 to attempt to resolve any competing
132 policy goals between the county and municipality related to the
133 community redevelopment agency. Nothing in this subparagraph
134 grants the county or the municipality the authority to require

135 the other local government to participate in the dispute
136 resolution process.
137 Section 5. Subsection (3) of section 163.361, Florida
138 Statutes, is amended to read:
139 163.361 Modification of community redevelopment plans.--
140 (3)(a) In addition to the requirements of s. 163.346, and
141 prior to the adoption of any modification to a community
142 redevelopment plan that expands the boundaries of the community
143 redevelopment area or extends the time certain set forth in the
144 redevelopment plan as required by s. 163.362(10), the agency
145 shall report such proposed modification to each taxing authority
146 in writing or by an oral presentation, or both, regarding such
147 proposed modification.
148 (b) For any community redevelopment agency that was not
149 created pursuant to a delegation of authority under s. 163.410
150 by a county that has adopted a home rule charter and that
151 modifies its adopted community redevelopment plan in a manner
152 that expands the boundaries of the redevelopment area after
153 October 1, 2006, the following additional procedures are
154 required prior to adoption by the governing body of a modified
155 community redevelopment plan:
156 1. Within 30 days after receipt of any report of a
157 proposed modification that expands the boundaries of the
158 redevelopment area, the county may provide notice by registered
159 mail to the governing body of the municipality and to the
160 community redevelopment agency that the county has competing
161 policy goals and plans for the public funds the county would be
162 required to deposit to the community redevelopment trust fund
163 under the proposed modification to the community redevelopment
164 plan.

165 2. If the notice required in subparagraph 1. is timely
166 provided, the governing body of the county and the governing
167 body of the municipality that created the community
168 redevelopment agency shall schedule and hold a joint hearing co-
169 chaired by the chair of the governing body of the county and the
170 mayor of the municipality, with the agenda to be set by the
171 chair of the governing body of the county, at which the
172 competing policy goals for the public funds shall be discussed.
173 For those community redevelopment agencies for which the board
174 of commissioners of the community redevelopment agency are
175 comprised as specified in 163.356(2), a designee of the
176 community redevelopment agency shall participate in the joint
177 meeting as a non-voting member. Any such hearing shall be held
178 within 90 days after receipt by the county of the recommended
179 modification of the adopted community redevelopment plan. Prior
180 to the joint public hearing, the county may propose an
181 alternative, modified community redevelopment plan that meets
182 the requirements of section 163.360, to address the conditions
183 identified in the resolution making a finding of necessity
184 required under s. 163.355. If such an alternative modified
185 redevelopment plan is proposed by the county, such plan shall be
186 delivered to the governing body of the municipality that created
187 the community redevelopment agency and to the executive director
188 or other officer of the community redevelopment agency by
189 registered mail at least 30 days prior to holding the joint
190 meeting.
191 3. If the notice required in subparagraph 1. is timely
192 provided, the municipality may not proceed with the adoption of
193 a modified plan until 30 days after the joint hearing unless the
194 governing body of the county has failed to schedule or a
195 majority of the members of the governing body of the county have

196 failed to attend the joint hearing within the required 90-day
197 period.
198 4. Notwithstanding the time requirements established in
199 subparagraphs 2. and 3., the county and the municipality may at
200 any time voluntarily use the dispute resolution process
201 established in chapter 164 to attempt to resolve any competing
202 policy goals between the county and municipality related to the
203 community redevelopment agency. Nothing in this subparagraph
204 grants the county or the municipality the authority to require
205 the other local government to participate in the dispute
206 resolution process.
207 Section 6. Paragraphs (c), (e), (h), and (n) of subsection
208 (1), paragraphs (b) of subsection (2), and paragraph (a) of
209 subsection (3) of section 163.370, Florida Statutes, are amended
210 to read:
211 163.370 Powers; counties and municipalities; community
212 redevelopment agencies.--
213 (1) Every county and municipality shall have all the
214 powers necessary or convenient to carry out and effectuate the
215 purposes and provisions of this part, including the following
216 powers in addition to others herein granted:
217 (c) To undertake and carry out community redevelopment and
218 related activities within the community redevelopment area,
219 which ~~redevelopment~~ may include:
220 1. Acquisition of a slum area or a blighted area or
221 portion thereof.
222 2. Demolition and removal of buildings and improvements.
223 3. Installation, construction, or reconstruction of
224 streets, utilities, parks, playgrounds, public areas of major
225 hotels that are constructed in support of convention centers,
226 including meeting rooms, banquet facilities, parking garages,

227 lobbies, and passageways, and other improvements necessary for
228 carrying out in the community redevelopment area the community
229 redevelopment objectives of this part in accordance with the
230 community redevelopment plan.
231 4. Disposition of any property acquired in the community
232 redevelopment area at its fair value, as provided in s. 163.380,
233 for uses in accordance with the community redevelopment plan.
234 5. Carrying out plans for a program of voluntary or
235 compulsory repair and rehabilitation of buildings or other
236 improvements in accordance with the community redevelopment
237 plan.
238 6. Acquisition of real property in the community
239 redevelopment area which, under the community redevelopment
240 plan, is to be repaired or rehabilitated for dwelling use or
241 related facilities, repair or rehabilitation of the structures
242 for guidance purposes, and resale of the property.
243 7. Acquisition of any other real property in the community
244 redevelopment area when necessary to eliminate unhealthful,
245 unsanitary, or unsafe conditions; lessen density; eliminate
246 obsolete or other uses detrimental to the public welfare; or
247 otherwise to remove or prevent the spread of blight or
248 deterioration or to provide land for needed public facilities.
249 8. Acquisition, without regard to any requirement that the
250 area be a slum or blighted area, of air rights in an area
251 consisting principally of land in highways, railway or subway
252 tracks, bridge or tunnel entrances, or other similar facilities
253 which have a blighting influence on the surrounding area and
254 over which air rights sites are to be developed for the
255 elimination of such blighting influences and for the provision
256 of housing (and related facilities and uses) designed

257 specifically for, and limited to, families and individuals of
258 low or moderate income.
259 9. Construction of foundations and platforms necessary for
260 the provision of air rights sites of housing (and related
261 facilities and uses) designed specifically for, and limited to,
262 families and individuals of low or moderate income.
263 (e) Within the community redevelopment area:
264 1. To enter into any building or property in any community
265 redevelopment area in order to make inspections, surveys,
266 appraisals, soundings, or test borings and to obtain an order
267 for this purpose from a court of competent jurisdiction in the
268 event entry is denied or resisted.
269 2. To acquire by purchase, lease, option, gift, grant,
270 bequest, devise, eminent domain, or otherwise any <u>personal or</u>
271 real property ~~(or personal property for its administrative~~
272 ~~purposes)~~, together with any improvements thereon; except that a
273 community redevelopment agency may not exercise any power of
274 eminent domain unless the exercise has been specifically
275 approved by the governing body of the county or municipality
276 which established the agency.
277 3. To hold, improve, clear, or prepare for redevelopment
278 any such property.
279 4. To mortgage, pledge, hypothecate, or otherwise encumber
280 or dispose of any real property.
281 5. To insure or provide for the insurance of any real or
282 personal property or operations of the county or municipality
283 against any risks or hazards, including the power to pay
284 premiums on any such insurance.
285 6. To enter into any contracts necessary to effectuate the
286 purposes of this part.

287 7. To solicit requests for proposals for redevelopment of
288 parcels of real property contemplated by a community
289 redevelopment plan to be acquired for redevelopment purposes by
290 a community redevelopment agency and, as a result of such
291 requests for proposals, to advertise for the disposition of such
292 real property to private persons pursuant to s. 163.380 prior to
293 acquisition of such real property by the community redevelopment
294 agency.
295 (h) ~~Within its area of operation,~~ To make or have made all
296 surveys and plans necessary to the carrying out of the purposes
297 of this part; to contract with any person, public or private, in
298 making and carrying out such plans; and to adopt or approve,
299 modify, and amend such plans, which plans may include, but are
300 not limited to:
301 1. Plans for carrying out a program of voluntary or
302 compulsory repair and rehabilitation of buildings and
303 improvements.
304 2. Plans for the enforcement of state and local laws,
305 codes, and regulations relating to the use of land and the use
306 and occupancy of buildings and improvements and to the
307 compulsory repair, rehabilitation, demolition, or removal of
308 buildings and improvements.
309 3. Appraisals, title searches, surveys, studies, and other
310 plans and work necessary to prepare for the undertaking of
311 community redevelopment and related activities.
312 (n) ~~Within its area of operation,~~ To organize, coordinate,
313 and direct the administration of the provisions of this part, as
314 they may apply to such county or municipality, in order that the
315 objective of remedying slum and blighted areas and preventing
316 the causes thereof within such county or municipality may be
317 most effectively promoted and achieved and to establish such new

318 office or offices of the county or municipality or to reorganize
319 existing offices in order to carry out such purpose most
320 effectively.
321 (2) The following projects may not be paid for or financed
322 by increment revenues:
323 (b) Installation, construction, reconstruction, repair, or
324 alteration of any publicly owned capital improvements or
325 projects ~~which are not an integral part of or necessary for~~
326 ~~carrying out the community redevelopment plan if such projects~~
327 ~~or improvements are normally financed by the governing body with~~
328 ~~user fees or~~ if such projects or improvements were scheduled to
329 ~~would~~ be installed, constructed, reconstructed, repaired, or
330 altered within 3 years of the approval of the community
331 redevelopment plan by the governing body pursuant to a
332 previously approved public capital improvement or project
333 schedule or plan of the governing body which approved the
334 community redevelopment plan unless and until such projects or
335 improvements have been removed from such schedule or plan of the
336 governing body and 3 years have elapsed since such removal or
337 such projects or improvements were identified in such schedule
338 or plan to be funded, in whole or in part, with funds on deposit
339 within the community redevelopment trust fund.
340 (3) With the approval of the governing body, a
341 community redevelopment agency may:
342 (a) Prior to approval of a community redevelopment plan or
343 approval of any modifications of the plan, acquire real property
344 in a community redevelopment area, demolish and remove any
345 structures on the property, and pay all costs related to the
346 acquisition, demolition, or removal, including any
347 administrative or relocation expenses, provided such acquisition
348 is not pursuant to s. 163.375.

349 Section 7. Subsection (1), paragraphs (a), (b), and (c) of
350 subsection (2), and subsections (3) through (8) of section
351 163.387, Florida Statutes, are amended to read:
352 163.387 Redevelopment trust fund.--
353 (1)(a) After approval of a community redevelopment plan,
354 there may ~~shall~~ be established for each community redevelopment
355 agency created under s. 163.356 a redevelopment trust fund.
356 Funds allocated to and deposited into this fund shall be used by
357 the agency to finance or refinance any community redevelopment
358 it undertakes pursuant to the approved community redevelopment
359 plan. No community redevelopment agency may receive or spend any
360 increment revenues pursuant to this section unless and until the
361 governing body has, by ordinance, created the trust fund and
362 provided for the funding of the redevelopment trust fund until
363 the time certain set forth in the ~~for the duration of a~~
364 community redevelopment plan as required by s. 163.362(10). Such
365 ordinance may be adopted only after the governing body has
366 approved a community redevelopment plan. The annual funding of
367 the redevelopment trust fund shall be in an amount not less than
368 that increment in the income, proceeds, revenues, and funds of
369 each taxing authority derived from or held in connection with
370 the undertaking and carrying out of community redevelopment
371 under this part. Such increment shall be determined annually and
372 shall be that amount equal to 95 percent of the difference
373 between:
374 1.~~(a)~~ The amount of ad valorem taxes levied each year by
375 each taxing authority, exclusive of any amount from any debt
376 service millage, on taxable real property contained within the
377 geographic boundaries of a community redevelopment area; and
378 2.~~(b)~~ The amount of ad valorem taxes which would have been
379 produced by the rate upon which the tax is levied each year by

380 or for each taxing authority, exclusive of any debt service
381 millage, upon the total of the assessed value of the taxable
382 real property in the community redevelopment area as shown upon
383 the most recent assessment roll used in connection with the
384 taxation of such property by each taxing authority prior to the
385 effective date of the ordinance providing for the funding of the
386 trust fund.
387
388 However, the governing body of any county as defined in s.
389 125.011(1) may, in the ordinance providing for the funding of a
390 trust fund established with respect to any community
391 redevelopment area created on or after July 1, 1994, determine
392 that the amount to be funded by each taxing authority annually
393 shall be less than 95 percent of the difference between
394 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no event
395 shall such amount be less than 50 percent of such difference.
396 (b)1. For any governing body that has not authorized by
397 June 5, 2006 a study to consider whether a finding of necessity
398 resolution pursuant to 163.355 should be adopted, has not
399 adopted a finding of necessity resolution pursuant to section
400 163.355 by March 31, 2007, has not adopted a community
401 redevelopment plan by June 7, 2007, and was not authorized to
402 exercise community redevelopment powers pursuant to a delegation
403 of authority under s. 163.410 by a county that has adopted a
404 home rule charter, the amount of tax increment to be contributed
405 by any taxing authority shall be limited as follows:
406 a. If a taxing authority imposes a millage rate that
407 exceeds the millage rate imposed by the governing body that
408 created the trust fund, the amount of tax increment to be
409 contributed by the taxing authority imposing the higher millage
410 rate shall be calculated using the millage rate imposed by the

411 governing body that created the trust fund. Nothing shall
412 prohibit any taxing authority from voluntarily contributing a
413 tax increment at a higher rate for a period of time as specified
414 by interlocal agreement between the taxing authority and the
415 community redevelopment agency.
416 b. At any time more than 24 years after the fiscal year in
417 which a taxing authority made its first contribution to a
418 redevelopment trust fund, by resolution effective no sooner than
419 the next fiscal year and adopted by majority vote of the taxing
420 authority's governing body at a public hearing held not less
421 than 30 or more than 45 days after written notice by registered
422 mail to the community redevelopment agency and published in a
423 newspaper of general circulation in the redevelopment area, the
424 taxing authority may limit the amount of increment contributed
425 by the taxing authority to the redevelopment trust fund to the
426 amount of increment the taxing authority was obligated to
427 contribute to the redevelopment trust fund in the fiscal year
428 immediately preceding the adoption of such resolution, plus any
429 increase in the increment after the adoption of the resolution
430 computed using the taxable values of any area which is subject
431 to an area reinvestment agreement. As used in this subparagraph,
432 the term "area reinvestment agreement" means an agreement
433 between the community redevelopment agency and a private party,
434 with or without additional parties, which provides that the
435 increment computed for a specific area shall be reinvested in
436 projects, public or private, or services, or both, including
437 debt service, supporting one or more projects consistent with
438 the community redevelopment plan that is identified in the
439 agreement to be constructed within that area. Any such
440 reinvestment agreement must specify the estimated total amount
441 of public investment necessary to provide the projects or

442 services, or both, including any applicable debt service. The
443 contribution to the redevelopment trust fund of the increase in
444 the increment of any area that is subject to an area
445 reinvestment agreement following the passage of a resolution as
446 provided in this sub-subparagraph shall cease when the amount
447 specified in the area reinvestment agreement as necessary to
448 provide the projects or services, or both, including any
449 applicable debt service, have been invested.
450 2. For any community redevelopment agency that was not
451 created pursuant to a delegation of authority under s. 163.410
452 by a county that has adopted a home rule charter and that
453 modifies its adopted community redevelopment plan after October
454 1, 2006, in a manner that expands the boundaries of the
455 redevelopment area, the amount of increment to be contributed by
456 any taxing authority with respect to the expanded area shall be
457 limited as set forth in sub-subparagraphs 1.a. and b.
458 (2)(a) Except for the purpose of funding the trust fund
459 pursuant to subsection (3), upon the adoption of an ordinance
460 providing for funding of the redevelopment trust fund as
461 provided in this section, each taxing authority shall, by
462 January 1 of each year, appropriate to the trust fund for so
463 long as any indebtedness pledging increment revenues to the
464 payment thereof is outstanding (but not to exceed 30 years) a
465 sum that is no less than the increment as defined and determined
466 in subsection (1) or paragraph (3)(b) accruing to such taxing
467 authority. If the community redevelopment plan is amended or
468 modified pursuant to s. 163.361(1), each such taxing authority
469 shall make the annual appropriation for a period not to exceed
470 30 years after the date the governing body amends the plan but
471 no later than sixty years after the fiscal year in which the
472 plan was initially approved or adopted. However, for any agency

473 created on or after July 1, 2002, each taxing authority shall
474 make the annual appropriation for a period not to exceed 40
475 years after the fiscal year in which the initial community
476 redevelopment plan is approved or adopted.
477 (b) Any taxing authority that does not pay the increment
478 revenues to the trust fund by January 1 shall pay to the trust
479 fund an amount equal to 5 percent of the amount of the increment
480 revenues and shall pay interest on the amount of the unpaid
481 increment revenues equal to 1 percent for each month the
482 increment is outstanding, provided the agency may waive such
483 penalty payments in whole or in part.
484 (c) The following public bodies or taxing authorities are
485 exempt from paragraph (a):
486 1. A special district that levies ad valorem taxes on
487 taxable real property in more than one county.
488 2. A special district for which the sole available source
489 of revenue the district has the authority to levy is ad valorem
490 taxes at the time an ordinance is adopted under this section.
491 However, revenues or aid that may be dispensed or appropriated
492 to a district as defined in s. 388.011 at the discretion of an
493 entity other than such district shall not be deemed available.
494 3. A library district, except a library district in a
495 jurisdiction where the community redevelopment agency had
496 validated bonds as of April 30, 1984.
497 4. A neighborhood improvement district created under the
498 Safe Neighborhoods Act.
499 5. A metropolitan transportation authority.
500 6. A water management district created under s. 373.069.
501 (3)(a) Notwithstanding the provisions of subsection (2),
502 the obligation of the governing body which established the
503 community redevelopment agency to fund the redevelopment trust

504 fund annually shall continue until all loans, advances, and
505 indebtedness, if any, and interest thereon, of a community
506 redevelopment agency incurred as a result of redevelopment in a
507 community redevelopment area have been paid.
508 (b) Alternate provisions contained in an interlocal
509 agreement between a taxing authority and the governing body that
510 created the community redevelopment agency may supersede the
511 provisions of this section with respect to that taxing
512 authority. The community redevelopment agency may be an
513 additional party to any such agreement.
514 (4) The revenue bonds and notes of every issue under this
515 part are payable solely out of revenues pledged to and received
516 by a community redevelopment agency and deposited to its
517 redevelopment trust fund. The lien created by such bonds or
518 notes shall not attach until the increment revenues referred to
519 herein are deposited in the redevelopment trust fund at the
520 times, and to the extent that, such increment revenues accrue.
521 The holders of such bonds or notes have no right to require the
522 imposition of any tax or the establishment of any rate of
523 taxation in order to obtain the amounts necessary to pay and
524 retire such bonds or notes.
525 (5) Revenue bonds issued under the provisions of this part
526 shall not be deemed to constitute a debt, liability, or
527 obligation of the ~~local~~ public body or the state or any
528 political subdivision thereof, or a pledge of the faith and
529 credit of the ~~local~~ public body or the state or any political
530 subdivision thereof, but shall be payable solely from the
531 revenues provided therefor. All such revenue bonds shall contain
532 on the face thereof a statement to the effect that the agency
533 shall not be obligated to pay the same or the interest thereon
534 except from the revenues of the community redevelopment agency

535 held for that purpose and that neither the faith and credit nor
536 the taxing power of the ~~local~~ governing body or of the state or
537 of any political subdivision thereof is pledged to the payment
538 of the principal of, or the interest on, such bonds.
539 (6) Moneys in the redevelopment trust fund may be expended
540 from time to time for undertakings of a community redevelopment
541 agency as described in the ~~which are directly related to~~
542 ~~financing or refinancing of redevelopment in a community~~
543 ~~redevelopment area pursuant to an approved~~ community
544 redevelopment plan for the following purposes, including, but
545 not limited to:
546 (a) Administrative and overhead expenses necessary or
547 incidental to the implementation of a community redevelopment
548 plan adopted by the agency.
549 (b) Expenses of redevelopment planning, surveys, and
550 financial analysis, including the reimbursement of the governing
551 body or the community redevelopment agency for such expenses
552 incurred before the redevelopment plan was approved and adopted.
553 (c) The acquisition of real property in the redevelopment
554 area.
555 (d) The clearance and preparation of any redevelopment
556 area for redevelopment and relocation of site occupants within
557 or outside the community redevelopment area as provided in s.
558 163.370.
559 (e) The repayment of principal and interest or any
560 redemption premium for loans, advances, bonds, bond anticipation
561 notes, and any other form of indebtedness.
562 (f) All expenses incidental to or connected with the
563 issuance, sale, redemption, retirement, or purchase of ~~agency~~
564 bonds, bond anticipation notes, or other form of indebtedness,
565 including funding of any reserve, redemption, or other fund or

566 account provided for in the ordinance or resolution authorizing
567 such bonds, notes, or other form of indebtedness.
568 (g) The development of affordable housing within the
569 community redevelopment area.
570 (h) The development of community policing innovations.
571 (7) On the last day of the fiscal year of the community
572 redevelopment agency, any money which remains in the trust fund
573 after the payment of expenses pursuant to subsection (6) for
574 such year shall be:
575 (a) Returned to each taxing authority which paid the
576 increment in the proportion that the amount of the payment of
577 such taxing authority bears to the total amount paid into the
578 trust fund by all taxing authorities ~~within the redevelopment~~
579 ~~area~~ for that year;
580 (b) Used to reduce the amount of any indebtedness to which
581 increment revenues are pledged;
582 (c) Deposited into an escrow account for the purpose of
583 later reducing any indebtedness to which increment revenues are
584 pledged; or
585 (d) Appropriated to a specific redevelopment project
586 pursuant to an approved community redevelopment plan which
587 project will be completed within 3 years from the date of such
588 appropriation.
589 (8) Each community redevelopment agency shall provide for
590 an ~~independent financial~~ audit of the trust fund each fiscal
591 year and a report of such audit to be prepared by an independent
592 certified public accountant or firm. Such report shall describe
593 the amount and source of deposits into, and the amount and
594 purpose of withdrawals from, the trust fund during such fiscal
595 year and the amount of principal and interest paid during such
596 year on any indebtedness to which ~~is pledged~~ increment revenues

597 are pledged and the remaining amount of such indebtedness. The
598 agency shall provide by registered mail a copy of the report to
599 each taxing authority.
600 Section 8. Section 163.410, Florida Statutes, is amended
601 to read:
602 163.410 Exercise of powers in counties with home rule
603 charters.--In any county which has adopted a home rule charter,
604 the powers conferred by this part shall be exercised exclusively
605 by the governing body of such county. However, the governing
606 body of any such county which has adopted a home rule charter
607 may, in its discretion, by resolution delegate the exercise of
608 the powers conferred upon the county by this part within the
609 boundaries of a municipality to the governing body of such a
610 municipality. Such a delegation to a municipality shall confer
611 only such powers upon a municipality as shall be specifically
612 enumerated in the delegating resolution. Any power not
613 specifically delegated shall be reserved exclusively to the
614 governing body of the county. This section does not affect any
615 community redevelopment agency created by a municipality prior
616 to the adoption of a county home rule charter. Unless otherwise
617 provided by an existing ordinance, resolution, or interlocal
618 agreement between any such county and a municipality, the
619 governing body of the county that has adopted a home rule
620 charter shall grant in whole or in part or deny ~~act on~~ any
621 request from a municipality for a delegation of powers or a
622 change in an existing delegation of powers within 120 days after
623 the receipt of all required documentation or such request shall
624 be deemed granted unless this period is extended by mutual
625 consent in writing of the municipality and the county. Within 30
626 days after receipt of the request, the county shall notify the
627 municipality by registered mail whether the request is complete

628 or if additional information is required. Any request by the
629 county for additional documentation shall specify the
630 deficiencies in the submitted documentation, if any. The county
631 shall notify the municipality by registered mail within 30 days
632 after receiving the additional information whether such
633 additional documentation is complete. If the meeting of the
634 county commission at which the request for a delegation of
635 powers or a change in an existing delegation of powers is unable
636 to be held due to events beyond the control of the county, the
637 request shall be acted upon at the next regularly scheduled
638 meeting of the county commission without regard to the 120-day
639 limitation. If the county does not act upon the request at the
640 next regularly scheduled meeting, the request shall be deemed
641 granted ~~immediately sent to the governing body for~~
642 ~~consideration~~.
643 Section 9. This act shall take effect July 1, 2006.
644
645 ========== T I T L E A M E N D M E N T ==========
646 Remove the entire title and insert:
647 An act relating to community redevelopment; amending s.
648 163.340, F.S.; revising certain definitions; defining the
649 term "taxing authority"; amending s. 163.346, F.S.;
650 revising criteria for a notice to taxing authorities;
651 creating s. 163.354, F.S.; authorizing a local governing
652 body to adopt a resolution establishing a slum and blight
653 study area under certain circumstances; amending s.
654 163.360, F.S.; specifying additional procedures required
655 for adoption of community redevelopment plans by the
656 governing body of certain counties for certain community
657 redevelopment agencies; amending s. 163.361, F.S.;
658 specifying additional procedures required for adoption of

659 a modified community redevelopment plan by a governing
660 body of certain counties for certain community
661 redevelopment agencies; amending s. 163.370, F.S.;
662 revising provisions relating to powers of counties,
663 municipalities, and community redevelopment agencies;
664 revising provisions relating to projects ineligible for
665 increment revenues; amending s. 163.387, F.S.; revising
666 provisions relating to redevelopment trust funds;
667 providing limitations on the amount of tax increment
668 contributions by a taxing authority for certain community
669 redevelopment agencies; providing a time limitation on the
670 period during which a contributing tax authority must pay
671 increment; authorizing a community redevelopment agency to
672 waive certain increment payment penalties; authorizing
673 alternate provisions in certain interlocal agreements to
674 supersede certain provisions of law; amending s. 163.410,
675 F.S.; providing additional requirements for requests for
676 information relating to requests for delegation of certain
677 powers; providing an effective date.
678

Amendment No. (for drafter's use only)

Bill No. **CS for HB 1589**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill:
2 Representative(s) Hasner offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 92 and insert:
6 Section 3. Subsection (5) of section 320.0807, Florida
7 Statutes, is renumbered as subsections (6), respectively, and a
8 new subsection (5) is added to that section, to read:
9 320.0807 Special license plates for Governor and federal
10 and state legislators.--
11 (5) Upon application by any current or former President of
12 the Senate and payment of the fees prescribed by s. 320.0805,
13 the department is authorized to issue a license plate stamped in
14 bold letters "Senate President" followed by the number assigned
15 by the department or chosen by the registrant if it is not
16 already in use. Upon application by any current or former House
17 Speaker and payment of the fees prescribed by s. 320.0805, the
18 department is authorized to issue a license plate stamped in
19 bold letters "House Speaker" followed by the number assigned by
20 the department or chosen by the registrant if it is not already
21 in use.

22 Section 4. This act shall take effect July 1, 2006.

23 ========== T I T L E A M E N D M E N T ==========

24 Remove line(s) 18 and insert:

25 from sales of the plate; amending s. 320.0807, F.S.; creating

26 special license plates for legislative presiding officers;

27 providing an effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative Detert offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between lines 30 and 31 insert:
6 (8)(a) The department must discontinue the issuance of an
7 approved specialty license plate if the number of valid
8 specialty plate registrations falls below 1,000 plates for at
9 least 12 consecutive months. A warning letter shall be mailed to
10 the sponsoring organization following the first month in which
11 the total number of valid specialty plate registrations is below
12 1,000 plates. The provisions of this subsection do not apply to
13 collegiate license plates established pursuant to subsection
14 320.08058(3).
15
16 ========== D I R E C T O R Y A M E N D M E N T ==========
17 Remove line(s) 22-24 and insert:

18 Section 1. Paragraph (z) of subsection (4) of section
19 320.08056, Florida Statutes, is amended, and paragraph (eee) is
20 added to that subsection, and paragraph (a) of subsection (8) of
21 that section is amended to read:

22 ========== T I T L E A M E N D M E N T ==========
23 On line 9 after the semicolon insert:
24 exempting collegiate license plates from discontinuance
25 requirements;
26

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Detert offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 106 - 118 and insert:
6 individual endowment shall ~~revert~~ be returned to the state,
7 shall be deposited into the Florida Fine Arts Trust Fund and
8 shall be awarded to the first organization on the Cultural
9 Endowment Program priority list pursuant to subsection (9) that
10 has not previously received a cultural endowment in the most
11 current fiscal year funding cycle ~~General Revenue Fund~~ if any of
12 the following events occurs:
13 (a) The recipient sponsoring organization is no longer
14 able to manage an endowment ~~ceases operations~~.
15 (b) The recipient sponsoring organization files for
16 protection under federal bankruptcy provisions.
17 (c) The recipient sponsoring organization willfully
18 expends a portion of the endowment principal of any individual
19 endowment.
20 (6) In the event an endowment is returned to the state
21 under subsection (5), authority to disburse funds shall be

22 subject to the notice and review procedures set forth in s.
23 216.177.
24 (7) If there is no qualified organization on the Cultural
25 Endowment Program priority list, returned funds shall revert to
26 the General Revenue Fund at the end of the fiscal year.
27
28 Renumber subsequent subsections
29
30
31
32
33
34
35
36
37 ========== D I R E C T O R Y A M E N D M E N T ==========
38 Remove line(s) 82 and insert:
39 Florida Statutes are amended, current subsections (6) and (7)
40 are renumbered as subsections (8) and (9), respectively, and new
41 subsections (6) and (7) are added to said section to read:
42
43 ========== T I T L E A M E N D M E N T ==========
44 Remove line(s) 12 - 16 and insert:
45 circumstances; providing for the deposit of the state's matching
46 share of cultural endowment to the Florida Fine Arts Trust Fund
47 rather than reversion to the General Revenue Fund; requiring
48 that authority to disburse funds be subject to notice and review
49 procedures; providing for reversion of funds to the General
50 Revenue Fund under certain circumstances; amending s. 267.174,
51 F.S.; changing the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1

Bill No. **7253**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment**
5 Remove line(s) 90-93 and insert:
6 challenge and any related litigation.
7
8

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **7253**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 104-116.
6
7
8 ========== D I R E C T O R Y A M E N D M E N T ==========
9 Remove line(s) 99 and insert:
10 Section 2. Subsection
11
12 ========== T I T L E A M E N D M E N T ==========
13 Remove line(s) 9-11.
14

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COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between line(s) 211-212 insert:
6 (9)(a) Each local government may adopt as a part of its
7 plan, long-term transportation and school concurrency management
8 systems with a planning period of up to 10 years for specially
9 designated districts or areas where significant backlogs exist.
10 The plan may include interim level-of-service standards on
11 certain facilities and shall rely on the local government's
12 schedule of capital improvements for up to 10 years as a basis
13 for issuing development orders that authorize commencement of
14 construction in these designated districts or areas. The
15 concurrency management system must be designed to correct
16 existing deficiencies and set priorities for addressing
17 backlogged facilities. The concurrency management system must be
18 financially feasible and consistent with other portions of the
19 adopted local plan, including the future land use map. <u>If a</u>
20 <u>long-term concurrency management system is adopted pursuant to</u>
21 <u>this paragraph for specially designated districts or areas where</u>

22 significant backlog exists, then such plan shall be deemed
23 concurrent throughout the duration of the plan even if, in any
24 particular year, such transportation improvements are not
25 concurrent.
26
27 ========== D I R E C T O R Y A M E N D M E N T ==========
28 Remove line(s) 100 and insert:
29 (6), paragraph (a) of subsection (9), and paragraphs (d) and (g)
30 of subsection (13) of section
31
32 ========== T I T L E A M E N D M E N T ==========
33 Between line(s) 8-9 insert:
34 providing transportation concurrency is met for certain
35 long-term concurrency management systems;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. **7253**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment**
5 Remove line(s) 138-139 and insert:
6 2. For municipalities that are built-out. For purposes of
7 this exemption:
8
9

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COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 175-184 and insert:
6 (i) An area-wide development of regional impact granted to
7 a municipality under s. 380.06(25) shall be exempt from the
8 requirements of transportation facilities concurrency if the
9 development of regional impact's boundaries have not been
10 increased after July 1, 2005; and a mitigation plan, with
11 identified funding, has been submitted and approved by DOT to
12 address transportation deficiencies, if the approved development
13 order did not address such deficiencies. New applications for
14 development approval that are located outside the specified
15 exempt development of regional impact boundaries shall not
16 include the trips generated by such exempt development of
17 regional impact as part of their transportation facilities
18 concurrency calculations.
19 (j) A development of regional impact granted to a downtown
20 development authority under s. 380.06(22) shall be exempt from
21 the requirements of transportation facilities concurrency if:

22 the development of regional impact's boundaries have not been
23 increased after July 1, 2005; and a mitigation plan, with
24 identified funding, has been submitted and approved by DOT to
25 address transportation deficiencies if the approved development
26 order did not address such deficiencies. New applications for
27 development approval that are located outside the specified
28 exempt development of regional impact boundaries shall not
29 include the trips generated by such exempt development of
30 regional impact as part of their transportation facilities
31 concurrency calculations.
32
33 ========== D I R E C T O R Y A M E N D M E N T =========
34 Remove line(s) 101-102 and insert:
35 163.3180, Florida Statutes, are amended, and paragraphs (i) and
36 (j) are added to subsection (5) of that section, to read:
37
38 ========== T I T L E A M E N D M E N T ==========
39 Remove line(s) 19 and insert:
40 built-out municipalities; exempting certain areas

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between line(s) 396-397 insert:
6 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION;
7 ORGANIZATION.—The Century Commission for a Sustainable Florida
8 is created as a standing body to help the citizens of this state
9 envision and plan their collective future with an eye towards
10 both 25-year and 50-year horizons.
11 (a) The commission shall consist of 19 ~~15~~ members, 5
12 appointed by the Governor, 5 appointed by the President of the
13 Senate, and 5 appointed by the Speaker of the House of
14 Representatives and 4 appointed by the commission. The four
15 members appointed by the commission shall be initially appointed
16 no later than October 1, 2006. ~~Appointments shall be made no~~
17 ~~later than October 1, 2005.~~ The membership must represent local
18 governments, school boards, developers and homebuilders, the
19 business community, the agriculture community, the environmental
20 community, and other appropriate stakeholders. The membership
21 shall reflect the demographic make up of the state. One member

22 shall be designated by the Governor as chair of the commission.
23 Any vacancy that occurs on the commission must be filled in the
24 same manner as the original appointment and shall be for the
25 unexpired term of that commission seat. Members shall serve 4-
26 year terms, except that, initially, to provide for staggered
27 terms, the Governor, the President of the Senate, and the
28 Speaker of the House of Representatives shall each appoint one
29 member to serve a 2-year term, two members to serve 3-year
30 terms, and two members to serve 4-year terms. Further, the
31 commission shall initially appoint one member for a 2-year term,
32 two members for a 3-year term, and one member for a 4-year term.
33 All subsequent appointments shall be for 4-year terms. An
34 appointee may not serve more than 6 years.
35
36 ========== D I R E C T O R Y A M E N D M E N T ==========
37 Remove line(s) 394-395 and insert:
38 Section 4. Paragraph (a) of subsection (3) is amended, and
39 paragraphs (h) and (i) are added to subsection (4) of section
40 163.3247, Florida Statutes, to read:
41
42 ========== T I T L E A M E N D M E N T ==========
43 Between line(s) 32-33 insert:
44 authorizing the Century Commission for a Sustainable
45 Florida to appoint four additional members to the
46 commission; providing for member terms; providing guidance
47 as to the makeup of the commission;

Amendment No. 7

Bill No. **7253**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment (with title amendments)**
5 Between line(s) 467-468 insert:
6 Section 7. The Legislature finds that local governments
7 should have the ability to require all new development to
8 mitigate the development's impact on transportation facilities,
9 regardless of the size or type of development, by payment of a
10 per-trip fee as an alternative to the adoption by the local
11 government of impact fees for transportation facilities or the
12 implementation of proportionate fair-share mitigation.
13 Therefore, the Legislature hereby directs that the Department of
14 Transportation shall conduct a study to determine if a per-trip
15 fee would provide local government with an effective method to
16 ensure that the cost of transportation facilities is equitable
17 and equally distributed. Such fees would be imposed on roadways
18 and paid at the time of the issuance of a building permit or its
19 functional equivalent. The revenues derived from such fees
20 should be used to fund new facilities or to fix existing
21 deficiencies on transportation facilities. The department shall

22 submit a report of its findings and recommendations to the
23 Governor, the President of the Senate, and the Speaker of the
24 House of Representatives by December 1, 2006.
25
26 ========== T I T L E A M E N D M E N T ==========
27 Remove line(s) 46 and insert:
28 requiring the Department of Transportation to conduct a
29 per-trip fee study; providing an effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment (with title amendments)**
5 Between line(s) 467 and 468 insert:
6 Section 7. The sum of $25 million is appropriated from the
7 General Revenue Fund to the Conservation and Recreation Lands
8 Program Trust Fund within the Department of Agriculture and
9 Consumer Services for the purposes of s. 570.71, Florida
10 Statutes.
11
12 ========== T I T L E A M E N D M E N T ==========
13 Remove line(s) 46 and insert:
14 providing an appropriation; providing an effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Llorente offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between lines 404 and 405, insert:
6 177.091 Plats made for recording.--Every plat of a
7 subdivision offered for recording shall conform to the
8 following:
9 (7) Permanent reference monuments must be placed at each
10 corner or change in direction on the boundary of the lands being
11 platted and may not be more than 1,400 feet apart. Where such
12 corners are in an inaccessible place, "P.R.M.s" shall be set on
13 a nearby offset within the boundary of the plat and such offset
14 shall be so noted on the plat. Where corners are found to
15 coincide with a previously set "P.R.M.," the Florida
16 registration number of the professional surveyor and mapper in
17 responsible charge or the certificate of authorization number of
18 the legal entity on the previously set "P.R.M." shall be shown
19 on the new plat or, if unnumbered, shall so state. ~~Permanent~~
20 ~~reference monuments shall be set before the recording of the~~
21 ~~plat.~~ The "P.R.M.s" shall be shown on the plat by an appropriate

22 symbol or designation. In any county or municipality that does
23 not require subdivision improvements and does not accept bonds
24 or escrow accounts to construct improvements, "P.R.M.s" may be
25 set prior to the recording of the plat and shall be set within 1
26 year after the date the plat is recorded. In any county or
27 municipality that requires subdivision improvements and has the
28 means of insuring the construction of those improvements, such
29 as bonding requirements, "P.R.M.s" shall be set prior to the
30 expiration of the bond or other surety.
31
32 ========== D I R E C T O R Y A M E N D M E N T ==========
33 Between line(s) 404-405 and insert:
34 Section 5. Subsection (7) of section 177.091, Florida
35 Statutes, is amended to read:
36
37 ========== T I T L E A M E N D M E N T ==========
38 Remove line 37 and insert:
39 requirements; amending s. 177.091, F.S.; revising requirements
40 as to when permanent reference monuments must be set; amending
41 s. 339.2819, F.S.; revising

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill:
2 Representative(s) Glorioso offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between line(s) 49-50 and insert:
6 163.3172 Urban Service Boundary
7 (1) In order to prevent urban sprawl and uncontrolled
8 growth, any development within the municipal urban service area
9 must be approved by the governing body within the municipality.
10 For purposes of review and approval of development, the
11 municipality shall establish standards for development in the
12 municipal urban service area.
13 (2) For purposes of this section, "municipal urban service
14 area" means that area within the unincorporated portion of a
15 charter county outside of the county's urban service area that
16 the governing body of the municipality has determined that it
17 plans to annex within the next 20 years.
18
19 ========== D I R E C T O R Y A M E N D M E N T ==========
20 Between line(s) 49-50 and insert:

21 Section 1: 163.3172 Urban Service Boundary is created to
22 read:
23 ========== T I T L E A M E N D M E N T ==========
24 Remove line(s) 2 and insert:
25 An act relating to growth management; creating s. 163.3172,
26 Florida Statutes, requiring municipality's governing body to
27 approve development within the municipal urban service areas;
28 amending subsection
29