Spaceport & Technology Committee

Tuesday, March 28, 2006

1:00 PM to 4:00 PM

Room 12, HOB

MEETING PACKET

Allan G. Bense
Speaker

Bob Allen
Chair

The Florida House of Representatives

State Infrastructure Council

Spaceport & Technology Committee

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AGENDA

COMMITTEE ON SPACEPORT & TECHNOLOGY
March 28, 2006

A. CALL TO ORDER BY CHAIR

B. GENERAL OPENING COMMENTS BY THE CHAIR

Welcome and Opening Comments by the Chair.

C. AGENDA ITEMS

1. PCB SPT 06-02 - Information and Technology Management.
2. HB 1489 – State's Aerospace Industry by Waters

D. Committee members identify issues for future review and consideration.

E. Committee discusses future committee meetings; Chairman takes questions

F. Closing remarks by Chair.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SPT 06-02 Information and Technology Management
SPONSOR(S): Spaceport & Technology Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Spaceport & Technology Committee		Saliba	Saliba
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The proposed committee bill assigns the Department of Management Services (DMS) responsibility for statewide communications systems and services, wireless communications systems and services, the Shared Resource Center, and data security services. These duties are currently assigned to the State Technology Office (STO). The proposed committee bill creates the Office of Information Security in DMS.

The proposed committee bill repeals Part II of Chapter 282, F.S., related to commerce protection.

The proposed committee bill authorizes seven positions and $750,000 from General Revenue for fiscal year 2006-2007 to DMS for the operation of the Office of Information Security.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The proposed committee bill transfers duties and responsibilities from the STO to DMS for statewide communications, data center, wireless communications, and security services. The proposed committee bill creates the Office of Information Security in DMS. It authorizes seven positions and appropriates $750,000 from General Revenue for this purpose.

Maintain public security – The proposed committee bill creates the Office of Information Security in DMS to work with all branches of government to ensure the security of agency and enterprise information, data, and systems.

B. EFFECT OF PROPOSED CHANGES:

Background

More than half of all Americans contact the government in a given year. Of those, almost 75% are internet-connected.[1] Online connectivity has many appeals. It offers expanded information flow between government and citizen, it helps citizens conduct business with government, and it makes it possible for citizens to fire off a missive to express their views about policies or problems.[2]

Florida, like other states, has responded to the demand for technology service venues. Information technology (IT) has fueled improved government service delivery and efficiency. It has also been scrutinized for its part in major business process reengineering (BPR) projects and outsourcing. A major portion of a BPR project's cost stems from investment in IT infrastructure, products, and services. However, IT remains an essential tool for government to meet citizens' demand for electronic business transactions, services, and information.

During the 2000 Session, the Legislature adopted SB 1334 (Ch. 2000-164, LOF), establishing the foundation for many online or electronic government transactions. The State Technology Office (STO) was also created to foster a centralized and coordinated approach to e-government implementation. Responsibility for operating statewide communications systems and services, wireless communications systems and services, and the Shared Resource Center were transferred from DMS to the STO.

The following session, the Legislature adopted HB 1811 (Ch. 2001-261, LOF) expanding the authority and responsibility of the STO. The bill established a central framework for IT governance, provided for establishment of standards, management, and system deployment. IT resources, such as staff, hardware, and system development, remained within the agencies with agency heads directed to complete technology transactions in consultation with the STO. Full implementation of the bill required submission of a budget amendment to the Legislative Budget Commission. An amendment was submitted and later withdrawn, leaving the structure partially implemented. The statute has remained unchanged since that time.

Florida spends almost $2.0 billion a year on IT infrastructure, products, systems, and services.[3] The magnitude of IT expenditures warrants accountability of its performance and value. In current frameworks, IT costs are explicit, but value can be elusive to define and quantify.[4] Additionally, inadequate visibility into IT funding drives the perception of IT as a large, expensive cost center that

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[1] John B. Horrigan, "How Americans Get in Touch with Government," Pew Internet & American Life, May 24, 2004.
[2] Ibid.
[3] Pew Internet & American Life and estimate based on actual expenditures for FY 2003-2004.
[4] John Roberts, "Find the 'Sweet Spot' for IT Governance, Strategy, and Value," Gartner, Inc., August 25, 2005.

can be easily cut.[5] A governance framework which provides clear objectives, best practices, and clearly assigned duties can bridge this disconnect.

Present Situation

The Governor's Proposed FY 2005-06 Budget recommended transfer of operations for operating statewide communications systems and services, wireless communications systems and services, the Shared Resource Center, and data security services from the STO back to DMS. These duties are statutorily-assigned; therefore reassignment requires substantive legislation to enact.

During the 2005 Legislative Session, the Spaceport & Technology Committee introduced HB 1927 – Information Technology Management. Senate Bill 1494 was later substituted for HB 1927. The bill established a framework to support IT governance, decision management, project management, and investment control. The bill also created the Florida Technology Council (FTC) to succeed the STO. The bill appropriated $2.0 million from General Revenue for the operating costs of the FTC. The bill failed to become law. Given the impact on the corresponding appropriation, the STO was dissolved. Operational duties were transferred to DMS and some policy duties and oversight responsibilities were transferred to the Governor's Office of Policy and Budget (OPB).

Effect of Proposed Change

The proposed committee bill assigns responsibility for operating statewide communications systems and services, wireless communications systems and services, the Shared Resource Center, and data security services to DMS. Other duties assigned to DMS include development of the statewide emergency telephone number 911 system plan, administration of the wireless emergency telephone number E911 fee charged to subscribers, administration of the Wireless 911 Board, and administration of the Digital Divide Council.

The proposed committee bill creates the Office of Information Security (office). The office is directed to work with all branches of government to ensure the security of agency and enterprise information, data, and systems. The office is responsible for rulemaking, formulating policy recommendations, overseeing security audits, training information security managers, coordinating domestic security funding for cyber-security issues, and establishing minimum standards for recovery of information technology following a disaster. Each agency is responsible for taking steps to assure an adequate level of security for all its data and information resources. The proposed committee bill authorizes seven positions and $750,000 from General Revenue for fiscal year 2006-2007 to DMS for the operational expenses of the office.

The proposed committee bill repeals Part II Commerce Protection of Chapter 282, F.S. Part II ensures compliance with year 2000 data and information conversion as well as remedies for failure. It also provides for damages for compliance failure, mediation, limitation on class action suits, set a statute of limitations, provides immunity from liability for business officers and directors, provides antitrust exemption with respect to exchange of information, and an alternative dispute resolution process. Part II relates solely to commerce activities that would have occurred in relation to the year 2000 and is no longer necessary.

The proposed committee bill provides clarification for actions based upon use of a creation that is not protected under federal copyright law. It provides that a creation that is not a work of authorship protected under federal copyright law may not give rise to a claim or cause of action. It allows for a claim or cause of action when the parties have made a contract between them governing the use of the creation.

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[5] John Kost, "Meeting IT Leadership Challenges in Government," Gartner, Inc., April 8, 2004.

C. SECTION DIRECTORY:

Section 1. Amends s. 11.90, F.S., conforming a reference to the State Annual Report on Enterprise Resource Planning and Management.

Section 2: Amends s. 20.22, F.S., establishing the Technology Program in DMS.

Section 3: Creates s. 68.066, F.S., providing that works of authorship not protected under federal copyright law may give rise to a claim unless the parties to the claim have entered into an agreement governing its use.

Section 4: Repeals s. 186.022, F.S., relating to information technology strategic plans.

Section 5: Amending s. 216.0446, F.S., conforming review of the long-range program plans.

Section 6: Repealing s. 216.292(1)(c), F.S., an expired provision authorizing transfer of positions and appropriations for the purpose of consolidating information technology resources.

Section 7: Amending s. 282.0041, F.S., modifying definitions for the Information Resource Management Act of 1997.

Section 8: Amending s. 282.005, F.S., legislative findings and intent with respect to information technology.

Section 9: Repealing s. 282.101, F.S., construction of terms, "information technology" or "information technology system."

Section 10: Amending s. 282.102, F.S., establishing DMS as responsible for statewide communications systems and services. Deletes other duties assigned to the STO.

Sections 11 through 20: Amending ss. 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, 282.111, 282.20, 282.21, and 282.22, F.S., conforming duties and responsibilities to reflect assignment of communications systems and services, wireless systems and services, and computing services to DMS.

Section 21: Repealing s. 282.23, F.S., relating to technology procurement.

Section 22: Amending s. 282.3031, F.S., assignment of information technology planning and management responsibilities.

Section 23: Amending s. 282.3032, F.S., guiding principles for development and implementation of information technology systems.

Section 24: Creating s. 282.3033, F.S., establishing a State Chief Information Officer in the Department of Management Services and providing duties.

Section 25: Amending s. 282.3055, F.S., duties and responsibilities of an agency chief information officer.

Section 26: Repealing s. 282.3063, F.S., agency annual Enterprise Resource Planning and Management Report.

Section 27: Repealing s. 282.310, F.S., state annual report on Enterprise Resource Planning and Management.

Section 28: Amending s. 282.315, F.S., conforming duties of the Agency Chief Information Officers Council and providing for appointment of a chairman, vice-chairman, and secretary of the council.

Section 29: Amending s. 282.318, F.S., conforming security of data and information technology and providing for establishment of the Office of Information Security in DMS.

Section 30: Amending s. 282.322, F.S., conforming special monitoring process for designated information resources management projects.

Section 31: Repealing s. 282.5001, F.S., the Commerce Protection Act.

Section 32: Repealing s. 282.5002, F.S., definitions for the Commerce Protection Act.

Section 33: Repealing s. 282.5003, F.S., exclusive remedies for failure to be year 2000 compliant.

Section 34: Repealing s. 282.5004, F.S., damages for failure to be year 2000 compliant, limitations, and statute of limitations.

Section 35: Repealing s. 282.5005, F.S., immunity from liability for directors and officers of business.

Section 36: Repealing s. 282.5006, F.S., antitrust exemption with respect to exchanges of information.

Section 37: Repealing s. 282.5007, F.S., alternative dispute resolution procedures.

Section 38: Repealing s. 282.5008, F.S., construction of act.

Sections 39 and 40: Amending ss. 365.171 and 365.172, F.S., conforming emergency 911 and wires 911 services as a duty of DMS.

Section 41: Amending s. 445.049, F.S., conforming Digital Divide Council as a duty of DMS.

Section 42: Authorizing seven positions and appropriating $750,000 from General Revenue for the Office of Information Security.

Section 43: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The proposed committee bill authorizes seven positions and appropriates $750,000 from General Revenue to DMS for operational costs of the Office of Information Security.

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:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Management Services is provided rulemaking authority and specific duties to be implemented. Rules exist pertaining to communications systems and services, wireless systems and services, and computing services. The department will need to modify the rules to delete references to the State Technology Office and insert the department.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to information and technology management;
3 amending s. 20.22, F.S.; establishing the Technology Program
4 in the Department of Management Services; removing duty of
5 the State Technology Office to operate and manage the
6 Technology Resource Center; creating s. 68.066, F.S.;
7 providing requirements for actions based upon use of a
8 creation that is not protected under federal copyright law;
9 repealing s. 186.022, F.S., relating to Information
10 technology strategic plans; amending s. 216.0446, F.S.;
11 revising duties of the legislative Technology Review
12 Workgroup to remove participation of the State Technology
13 Office; conforming reference to a report; repealing s.
14 216.292(1)(c), F.S., relating to provisions authorizing
15 transfer of positions and appropriations in fiscal year
16 2001-2002 for the purpose of consolidating information
17 technology resources; amending s. 282.0041, F.S.; revising
18 definitions for purposes of information resources
19 management; defining the terms "department" deleting the
20 Agency Annual Enterprise Resource Planning and Management
21 Report; deleting the State Annual Report on Enterprise
22 Resource Planning and Management; providing for appointment
23 of an agency chief information officer by the agency head;
24 amending s. 282.005, F.S.; revising legislative findings and
25 intent; revising state agency responsibilities with respect
26 to information technology infrastructure; providing agencies
27 with primary responsibility for information technology
28 management; deleting assignment of certain information
29 technology functions to the State Technology Office;

30 deleting a provision providing the State Technology Office
31 take no action affecting any Cabinet officer; repealing s.
32 282.101, F.S., relating to Construction of terms,
33 "information technology" or "information technology system";
34 amending s. 282.102, F.S.; removing provisions for the
35 creation, powers, and duties of the State Technology Office;
36 removing provisions for a Chief Information Officer and a
37 State Chief Privacy Officer; removing provisions relating to
38 information technology and enterprise resource management;
39 providing powers, duties, and functions of the Department of
40 Management Services for operating the statewide
41 communications system; transferring powers and duties
42 relating to communications systems from the State Technology
43 Office to the Department of Management Services; authorizing
44 the department to adopt rules; authorizing the department to
45 set a fee for placement of certain telecommunications
46 facilities on state property; amending ss. 282.103, 282.104,
47 282.105, 282.106, 282.107, 282.1095, and 282.111, F.S.,
48 relating to the SUNCOM Network, the state agency law
49 enforcement radio system and interoperability network, and
50 the statewide system of regional law enforcement
51 communications to conform references to changes made by the
52 act; amending s. 282.20, F.S.; providing for operation and
53 management of the Technology Resource Center by the
54 Department of Management Services; amending s. 282.21, F.S.;
55 authorizing the department to collect fees for providing
56 remote electronic access; removing provisions for collection
57 of such fees by the State Technology Office; amending s.
58 282.22, F.S.; providing for dissemination of materials,

59 products, information, and services acquired or developed by
60 or under the direction of the department; removing reference
61 to the State Technology Office with respect to such
62 materials, products, information, and services; repealing s.
63 282.23, F.S., relating to establishment of a State Strategic
64 Information Technology Alliance for the acquisition and use
65 of information technology and related material; amending s.
66 282.3031, F.S.; deleting assignment of certain information
67 technology functions to the State Technology Office;
68 conforming terminology; amending s. 282.3032, F.S.; creating
69 s. 282.3033, F.S.; creating the State Chief Information
70 Officer in the Department of Management services; creating
71 duties; amending s. 282.3055, F.S.; providing for
72 appointment of the agency chief information officer by the
73 agency head; providing for staffing and supporting of an
74 agency information technology investment board; conforming
75 terminology; repealing s. 282.3063, F.S., relating to the
76 Agency Annual Enterprise Resource Planning and Management
77 Report; repealing s. 282.310, F.S., relating to the State
78 Annual Report on Enterprise Resource Planning and
79 Management; amending s. 282.315, F.S.; revising duties of
80 the Agency Chief Information Officers Council; providing for
81 the appointment and terms of officers; amending s. 282.318,
82 F.S.; changing the popular name; removing responsibility of
83 the State Technology Office; requiring the Department of
84 Management Services to set minimum standard operating
85 procedures for the security of data and information
86 technology resources; providing the department to require
87 each agency to conduct certain procedures to assure the

88 security of data, information, and information technology
89 resources; requiring that the results of certain internal
90 audits and evaluations be available to the Office of
91 Information Security; requiring the department to establish
92 the Office of Information Security and to designate a Chief
93 Information Security Officer; providing that the office is
94 responsible for certain procedures and standards; amending
95 s. 282.322, F.S., removing a procedure to monitor certain
96 information resources management projects; repealing ss.
97 282.5001, 282.5002, 282.5003, 282.5004, 282.5005, 282.5006,
98 282.5007, and 282.5008, F.S.; repealing the commerce
99 protection act; repealing definitions; repealing remedies
100 for failure to be year 2000 compliant; repealing damages,
101 immunity from liability, antitrust exemption, and
102 alternative dispute resolution procedures; amending ss.
103 365.171 and 365.172, F.S., relating to statewide emergency
104 telephone number systems; designating duties of the State
105 Technology Office as duties of the Department of Management
106 Services; conforming requirements with respect thereto;
107 amending s. 445.049, F.S., relating to the Digital Divide
108 Council; designating duties of the State Technology Office
109 as duties of the Department of Management Services;
110 providing an effective date.
111
112 Be It Enacted by the Legislature of the State of Florida:
113
114 Section 1. Subsection (7) of section 11.90, Florida
115 Statutes, is amended to read:
116 11.90 Legislative Budget Commission.--

117 (7) The commission shall review information resources
118 management needs identified in agency long-range program plans
119 for consistency with ~~the State Annual Report on Enterprise~~
120 ~~Resource Planning and Management and~~ statewide policies ~~adopted~~
121 ~~by the State Technology Office~~. The commission shall also review
122 proposed budget amendments associated with information technology
123 that involve more than one agency, that have an outcome that
124 impacts another agency, or that exceed $500,000 in total cost
125 over a 1-year period.
126 Section 2. Section 20.22, Florida Statutes, is amended to
127 read:
128 20.22 Department of Management Services.--There is created
129 a Department of Management Services.
130 (1) The head of the Department of Management Services is
131 the Secretary of Management Services, who shall be appointed by
132 the Governor, subject to confirmation by the Senate, and shall
133 serve at the pleasure of the Governor.
134 (2) The following divisions and programs within the
135 Department of Management Services are established:
136 (a) Facilities Program.
137 (b) ~~State~~ Technology Program ~~Office~~.
138 (c) Workforce Program.
139 (d)1. Support Program.
140 2. Federal Property Assistance Program.
141 (e) Administration Program.
142 (f) Division of Administrative Hearings.
143 (g) Division of Retirement.
144 (h) Division of State Group Insurance.
145 ~~(3) The State Technology Office shall operate and manage~~

146 ~~the Technology Resource Center.~~
147 (3) ~~(4)~~ The duties of the Chief Labor Negotiator shall be
148 determined by the Secretary of Management Services, and must
149 include, but need not be limited to, the representation of the
150 Governor as the public employer in collective bargaining
151 negotiations pursuant to the provisions of chapter 447.
152 Section 3. Section 68.066, Florida Statutes, is created to
153 read:
154 68.066 Actions based upon use of a creation that is not
155 protected under federal copyright law.--
156 (1) Except as provided in subsection (2), no use of an
157 idea, procedure, process, system, method of operation, concept,
158 principle, discovery, thought, or other creation that is not a
159 work of authorship protected under federal copyright law may give
160 rise to a claim or cause of action, in law or in equity, unless
161 the parties to the claim or cause of action have executed a
162 writing sufficient to indicate that a contract has been made
163 between them governing such use.
164 (2) Nothing in subsection (1) shall affect or limit:
165 (a) Any cause of action based in copyright, trademark,
166 patent, or trade secret; or
167 (b) Any defense raised in connection with a cause of action
168 described in paragraph (a).
169 Section 4. Section 186.022, Florida Statutes, is repealed.
170 Section 5. Section 216.0446, Florida Statutes, is amended
171 to read:
172 216.0446 Review of information technology ~~resources~~
173 management needs.--
174 (1) There is created within the Legislature the Technology

175 Review Workgroup. The workgroup ~~and the State Technology Office~~
176 shall ~~independently~~ review and make recommendations with respect
177 to the portion of agencies' long-range program plans which
178 pertains to information technology ~~resources management~~ needs and
179 with respect to agencies' legislative budget requests for
180 information technology and related resources. The Technology
181 Review Workgroup shall report such recommendations, together with
182 the findings and conclusions on which such recommendations are
183 based, to the Legislative Budget Commission. ~~The State Technology~~
184 ~~Office shall report such recommendations, together with the~~
185 ~~findings and conclusions on which such recommendations are based,~~
186 ~~to the Executive Office of the Governor and to the chairs of the~~
187 ~~legislative appropriations committees.~~
188 (2) In addition to its primary duty specified in subsection
189 (1), the Technology Review Workgroup shall have powers and duties
190 that include, but are not limited to, the following:
191 (a) To evaluate the information resource management needs
192 identified in the agency long-range program plans for consistency
193 with the Statewide Information Technology Strategic Plan ~~State~~
194 ~~Annual Report on Enterprise Resource Planning and Management~~ and
195 statewide policies recommended by the State Technology Office,
196 and make recommendations to the Legislative Budget Commission.
197 (b) To review and make recommendations to the Legislative
198 Budget Commission on proposed budget amendments and agency
199 transfers associated with information technology initiatives or
200 projects that involve more than one agency, that have an outcome
201 that impacts another agency, that exceed $500,000 in total cost
202 over a 1-year period, or that are requested by the Legislative
203 Budget Commission to be reviewed.

204 Section 6. Pursuant to section 216.351, Florida Statutes,
205 paragraph (c) of subsection (1) of section 216.292, Florida
206 Statutes, is repealed.
207 Section 7. Section 282.0041, Florida Statutes, is amended
208 to read:
209 282.0041 Definitions.--For the purposes of this part, the
210 term:
211 (1) "Agency" means those entities described in s.
212 216.011(1)(qq).
213 ~~(2) "Agency Annual Enterprise Resource Planning and~~
214 ~~Management Report" means the report prepared by each agency chief~~
215 ~~information officer as required by s. 282.3063.~~
216 (2)~~(3)~~ "Agency chief information officer" means the person
217 appointed by the agency head ~~State Technology Office~~ to
218 coordinate and manage the information technology policies and
219 activities applicable to that agency.
220 (3)~~(4)~~ "Agency Chief Information Officers Council" means
221 the council created in s. 282.315 to facilitate the sharing and
222 coordination of information technology issues and initiatives
223 among the agencies.
224 (4) "Department" means the Department of Management
225 Services.
226 (5)~~(7)~~ "Information technology" means equipment, hardware,
227 software, firmware, programs, systems, networks, infrastructure,
228 media, and related material used to automatically,
229 electronically, and wirelessly collect, receive, access,
230 transmit, display, store, record, retrieve, analyze, evaluate,
231 process, classify, manipulate, manage, assimilate, control,
232 communicate, exchange, convert, converge, interface, switch, or

233 disseminate information of any kind or form.
234 (6) ~~(5)~~ "Information technology ~~Enterprise resources~~
235 ~~management~~ infrastructure" means the hardware, software,
236 networks, data, human resources, policies, standards, facilities,
237 maintenance, and related materials and services that are required
238 to support the business processes of an agency or state
239 enterprise.
240 (7) ~~(6)~~ "Information technology ~~Enterprise resource~~ planning
241 and management" means the planning, budgeting, acquiring,
242 developing, organizing, directing, training, control, and related
243 services associated with government information technology. The
244 term encompasses information and related resources, as well as
245 the controls associated with their acquisition, development,
246 dissemination, and use.
247 (8) "Project" means an undertaking directed at the
248 implementation ~~accomplishment~~ of information technology to
249 achieve a strategic objective ~~relating to enterprise resources~~
250 ~~management~~ or a specific appropriated program.
251 ~~(9) "State Annual Report on Enterprise Resource Planning~~
252 ~~and Management" means the report prepared by the State Technology~~
253 ~~Office as defined in s. 282.102.~~
254 (9) ~~(10)~~ "Standards" means the generally accepted
255 definitions for information technology which promote the use of
256 current and~~, open, nonproprietary, or~~ non-vendor-specific
257 technologies.
258 ~~(11) "State Technology Office" or "office" means the office~~
259 ~~created in s. 282.102.~~
260 ~~(12) "Total cost" means all costs associated with~~
261 ~~information technology projects or initiatives, including, but~~

262 ~~not limited to, value of hardware, software, service,~~
263 ~~maintenance, incremental personnel, and facilities. Total cost of~~
264 ~~a loan or gift of information technology resources to an agency~~
265 ~~includes the fair market value of the resources, except that the~~
266 ~~total cost of loans or gifts of information technology to state~~
267 ~~universities to be used in instruction or research does not~~
268 ~~include fair market value.~~
269 Section 8. Section 282.005, Florida Statutes, is amended to
270 read:
271 282.005 Legislative findings and intent.--The Legislature
272 finds that:
273 (1) Information technology is a strategic asset of the
274 state, and, as such, it should be managed as a valuable state
275 resource.
276 (2) The state's ~~makes~~ significant investments in
277 information technology must be governed responsibly, consistent
278 with fiscal and substantive policies, and aligned with business
279 needs ~~in order to manage information and to provide services to~~
280 ~~its citizens~~.
281 ~~(3) An office must be created to provide support and~~
282 ~~guidance to enhance the state's use and management of information~~
283 ~~technology and to design, procure, and deploy, on behalf of the~~
284 ~~state, information technology.~~
285 ~~(4) The cost-effective deployment of information technology~~
286 ~~by state agencies can best be managed by a Chief Information~~
287 ~~Officer.~~
288 (3) ~~(5)~~ The agency head ~~State Technology Office~~ has primary
289 responsibility and accountability for the planning, budgeting,
290 acquisition, development, implementation, use, and management of

291 information technology within the agency ~~state~~. ~~The State~~
292 ~~Technology Office shall use the state's information technology in~~
293 ~~the best interest of the state as a whole and shall contribute to~~
294 ~~and make use of shared data and related resources whenever~~
295 ~~appropriate. Each agency head has primary responsibility and~~
296 ~~accountability for setting agency priorities, identifying~~
297 ~~business needs, and determining agency services and programs to~~
298 ~~be developed as provided by law. The State Technology Office,~~
299 ~~through service level agreements with each agency, shall provide~~
300 ~~the information technology needed for the agency to accomplish~~
301 ~~its mission.~~
302 ~~(6) The expanding need for, use of, and dependence on~~
303 ~~information technology requires focused management attention and~~
304 ~~managerial accountability by state agencies and the state as a~~
305 ~~whole.~~
306 ~~(7) The state, through the State Technology Office, shall~~
307 ~~provide, by whatever means is most cost-effective and efficient,~~
308 ~~the information technology, enterprise resource planning and~~
309 ~~management, and enterprise resource management infrastructure~~
310 ~~needed to collect, store, and process the state's data and~~
311 ~~information, provide connectivity, and facilitate the exchange of~~
312 ~~data and information among both public and private parties.~~
313 (4) ~~(8)~~ A necessary part of the state's information
314 technology infrastructure is a statewide communications network,
315 a standard architecture, a statewide email system, a statewide
316 internet portal presence, statewide security protocols, and
317 integrated systems when found to be cost effective and efficient
318 ~~system for all types of signals, including, but not limited to,~~
319 ~~voice, data, video, radio, telephone, wireless, and image~~.

320 (5) ~~(9)~~ To ensure the best management of the state's
321 information technology and notwithstanding other provisions of
322 law to the contrary, the functions of information technology are
323 assigned to the university boards of trustees for the development
324 and implementation of planning, management, rulemaking,
325 standards, and guidelines for the state universities; to the
326 community college boards of trustees for establishing and
327 developing rules for the community colleges; to the Supreme
328 Court, for the judicial branch; to each state attorney and public
329 defender~~; and to the State Technology Office for the executive~~
330 ~~branch of state government~~.
331 ~~(10) The State Technology Office shall take no action~~
332 ~~affecting the supervision, control, management, or coordination~~
333 ~~of information technology and information technology personnel~~
334 ~~that any cabinet officer listed in s. 4, Art. IV of the State~~
335 ~~Constitution deems necessary for the exercise of his or her~~
336 ~~statutory or constitutional duties.~~
337 Section 9. Section 282.101, Florida Statutes, is repealed.
338 Section 10. Section 282.102, Florida Statutes, is amended
339 to read:
340 282.102 ~~Creation of the State Technology Office;~~ Powers and
341 duties of the department.--~~There is created a State Technology~~
342 ~~Office within~~ The powers and duties of the department include
343 ~~Department of Management Services. The office shall be a separate~~
344 ~~budget entity, and shall be headed by a Chief Information Officer~~
345 ~~who is appointed by the Governor and is in the Senior Management~~
346 ~~Service. The Chief Information Officer shall be an agency head~~
347 ~~for all purposes. The Department of Management Services shall~~
348 ~~provide administrative support and service to the office to the~~

349 ~~extent requested by the Chief Information Officer. The office may~~
350 ~~adopt policies and procedures regarding personnel, procurement,~~
351 ~~and transactions for State Technology Office personnel. The~~
352 ~~office shall have~~ the following powers, duties, and functions:
353 (1) To publish electronically the portfolio of services
354 available from the department ~~office~~, including pricing
355 information; the policies and procedures of the department ~~office~~
356 governing usage of available services; and a forecast of the
357 priorities and initiatives for the state communications system
358 for the ensuing 2 years.
359 ~~(2) To adopt rules implementing policies and procedures~~
360 ~~providing best practices to be followed by agencies in acquiring,~~
361 ~~using, upgrading, modifying, replacing, or disposing of~~
362 ~~information technology.~~
363 ~~(3) To perform, in consultation with an agency, the~~
364 ~~enterprise resource planning and management for the agency.~~
365 (2)~~(4)~~ To advise and render aid to state agencies and
366 political subdivisions of the state as to systems or methods to
367 be used for organizing and meeting communications ~~information~~
368 ~~technology~~ requirements efficiently and effectively.
369 ~~(5) To integrate the information technology systems and~~
370 ~~services of state agencies.~~
371 (3)~~(6)~~ To adopt technical standards for the state
372 communications ~~information technology~~ system which will assure
373 the interconnection of computer networks and information systems
374 of agencies.
375 (4)~~(7)~~ To assume management responsibility for any
376 consolidated communications system ~~integrated information~~
377 ~~technology system~~ or service when determined jointly by the

378 department and the agency ~~office~~ to be economically efficient or
379 performance-effective.
380 (5) ~~(8)~~ To enter into agreements ~~related to information~~
381 ~~technology~~ with state agencies and political subdivisions of the
382 state for services provided herein.
383 (6) ~~(9)~~ To use and acquire, with agency concurrence,
384 communications facilities ~~information technology~~ now owned or
385 operated by any agency.
386 (7) ~~(10)~~ To purchase from or contract with information
387 technology providers for communications facilities and services
388 ~~information technology~~, including private line services.
389 (8) ~~(11)~~ To apply for, receive, and hold, and to assist
390 agencies in applying for, receiving, or holding, such
391 authorizations, patents, copyrights, trademarks, service marks,
392 licenses, and allocations or channels and frequencies to carry
393 out the purposes of this part.
394 (9) ~~(12)~~ To purchase, lease, or otherwise acquire and to
395 hold, sell, transfer, license, or otherwise dispose of real,
396 personal, and intellectual property, including, but not limited
397 to, patents, trademarks, copyrights, and service marks.
398 (10) ~~(13)~~ To cooperate with any federal, state, or local
399 emergency management agency in providing for emergency
400 communications services.
401 (11) ~~(14)~~ To delegate, as necessary, to state agencies the
402 authority to purchase, lease, or otherwise acquire and to use
403 communications equipment, facilities, and services ~~information~~
404 ~~technology~~ or, as necessary, to control and approve the purchase,
405 lease, or acquisition and the use of all communications
406 equipment, services, and facilities ~~information technology~~,

407 including, but not limited to, communications services provided
408 as part of any other total system to be used by the state or any
409 of its agencies.
410 (12) ~~(15)~~ To acquire ownership, possession, custody, and
411 control of existing communications equipment and facilities,
412 including all right, title, interest, and equity therein, as
413 necessary, to carry out the purposes of this part. However, the
414 provisions of this subsection shall in no way affect the rights,
415 title, interest, or equity in any such equipment or facilities
416 owned by, or leased to, the state or any state agency by any
417 telecommunications company.
418 (13) ~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and
419 120.54 relating to information technology ~~and~~ to administer the
420 provisions of this part.
421 (14) ~~(17)~~ To provide a means whereby political subdivisions
422 of the state may use state information technology systems upon
423 such terms and under such conditions as the department ~~office~~ may
424 establish.
425 (15) ~~(18)~~ To apply for and accept federal funds for any of
426 the purposes of this part as well as gifts and donations from
427 individuals, foundations, and private organizations.
428 (16) ~~(19)~~ To monitor issues relating to communications
429 facilities and services before the Florida Public Service
430 Commission and, when necessary, prepare position papers, prepare
431 testimony, appear as a witness, and retain witnesses on behalf of
432 state agencies in proceedings before the commission.
433 (17) ~~(20)~~ Unless delegated to the agencies ~~by the Chief~~
434 ~~Information Officer~~, to manage and control, but not intercept or
435 interpret, communications within the SUNCOM Network by:

436 (a) Establishing technical standards to physically
437 interface with the SUNCOM Network.
438 (b) Specifying how communications are transmitted within
439 the SUNCOM Network.
440 (c) Controlling the routing of communications within the
441 SUNCOM Network.
442 (d) Establishing standards, policies, and procedures for
443 access to the SUNCOM Network.
444 (e) Ensuring orderly and reliable communications services
445 in accordance with the service level agreements executed with
446 state agencies.
447 (18) ~~(21)~~ To plan, design, and conduct experiments for
448 information technology services, equipment, and technologies, and
449 to implement enhancements in the state information technology
450 system when in the public interest and cost-effective. Funding
451 for such experiments shall be derived from SUNCOM Network service
452 revenues and shall not exceed 2 percent of the annual budget for
453 the SUNCOM Network for any fiscal year or as provided in the
454 General Appropriations Act. New services offered as a result of
455 this subsection shall not affect existing rates for facilities or
456 services.
457 (19) ~~(22)~~ To enter into contracts or agreements, with or
458 without competitive bidding or procurement, to make available, on
459 a fair, reasonable, and nondiscriminatory basis, property and
460 other structures under department ~~office~~ control for the
461 placement of new facilities by any wireless provider of mobile
462 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
463 telecommunications company as defined in s. 364.02 when it is
464 determined to be practical and feasible to make such property or

465 other structures available. The department ~~office~~ may, without
466 adopting a rule, charge a just, reasonable, and nondiscriminatory
467 fee for the placement of the facilities, payable annually, based
468 on the fair market value of space used by comparable
469 communications facilities in the state. The department ~~office~~ and
470 a wireless provider or telecommunications company may negotiate
471 the reduction or elimination of a fee in consideration of
472 services provided to the department ~~office~~ by the wireless
473 provider or telecommunications company. All such fees collected
474 by the department ~~office~~ shall be deposited directly into the Law
475 Enforcement Radio Operating Trust Fund, and may be used by the
476 department ~~office~~ to construct, maintain, or support the system.
477 (20) ~~(23)~~ To provide an integrated electronic system for
478 deploying government products, services, and information to
479 individuals and businesses which reflects cost-effective
480 deployment strategies in keeping with industry standards and
481 practices and includes protections and security of private
482 information as well as maintenance of public records.
483 ~~(a) The integrated electronic system shall reflect cost-~~
484 ~~effective deployment strategies in keeping with industry~~
485 ~~standards and practices, including protections and security of~~
486 ~~private information as well as maintenance of public records.~~
487 ~~(b) The office shall provide a method for assessing fiscal~~
488 ~~accountability for the integrated electronic system and shall~~
489 ~~establish the organizational structure required to implement this~~
490 ~~system.~~
491 ~~(24) To provide administrative support to the Agency Chief~~
492 ~~Information Officers Council and other workgroups created by the~~
493 ~~Chief Information Officer.~~

494 ~~(25) To facilitate state information technology education~~
495 ~~and training for senior management and other agency staff.~~
496 ~~(26) To prepare, on behalf of the Executive Office of the~~
497 ~~Governor, memoranda on recommended guidelines and best practices~~
498 ~~for information resources management, when requested.~~
499 ~~(27) To prepare, publish, and disseminate the State Annual~~
500 ~~Report on Enterprise Resource Planning and Management under s.~~
501 ~~282.310.~~
502 ~~(28) To study and make a recommendation to the Governor and~~
503 ~~Legislature on the feasibility of implementing online voting in~~
504 ~~this state.~~
505 ~~(29) To facilitate the development of a network access~~
506 ~~point in this state, as needed.~~
507 ~~(30) To designate a State Chief Privacy Officer who shall~~
508 ~~be responsible for the continual review of policies, laws, rules,~~
509 ~~and practices of state agencies which may affect the privacy~~
510 ~~concerns of state residents.~~
511 Section 11. Section 282.103, Florida Statutes, is amended
512 to read:
513 282.103 SUNCOM Network; exemptions from the required use.--
514 (1) There is created within the <u>department</u> ~~State Technology~~
515 ~~Office~~ the SUNCOM Network which shall be developed to serve as
516 the state communications system for providing local and long-
517 distance communications services to state agencies, political
518 subdivisions of the state, municipalities, state universities,
519 and nonprofit corporations pursuant to ss. 282.101-282.111. The
520 SUNCOM Network shall be developed to transmit all types of
521 communications signals, including, but not limited to, voice,
522 data, video, image, and radio. State agencies shall cooperate and

523 assist in the development and joint use of communications systems
524 and services.
525 (2) The department ~~State Technology Office~~ shall design,
526 engineer, implement, manage, and operate through state ownership,
527 commercial leasing, or some combination thereof, the facilities
528 and equipment providing SUNCOM Network services, and shall
529 develop a system of equitable billings and charges for
530 communication services.
531 (3) All state agencies and state universities are required
532 to use the SUNCOM Network for agency and state university
533 communications services ~~as the services become available~~;
534 however, no agency or university is relieved of responsibility
535 for maintaining communications services necessary for effective
536 management of its programs and functions. If a SUNCOM Network
537 service does not meet the communications requirements of an
538 agency or university, the agency or university shall notify the
539 department ~~State Technology Office~~ in writing and detail the
540 requirements for that communications service. If the department
541 ~~office~~ is unable to meet an agency's or university's requirements
542 by enhancing SUNCOM Network service, the department ~~office~~ may
543 grant the agency or university an exemption from the required use
544 of specified SUNCOM Network services.
545 Section 12. Section 282.104, Florida Statutes, is amended
546 to read:
547 282.104 Use of state SUNCOM Network by municipalities.--Any
548 municipality may request the department ~~State Technology Office~~
549 to provide any or all of the SUNCOM Network's portfolio of
550 communications services upon such terms and under such conditions
551 as the department ~~office~~ may establish. The requesting

552 municipality shall pay its share of installation and recurring
553 costs according to the published rates for SUNCOM Network
554 services and as invoiced by the department ~~office~~. Such
555 municipality shall also pay for any requested modifications to
556 existing SUNCOM Network services, if any charges apply.
557 Section 13. Section 282.105, Florida Statutes, is amended
558 to read:
559 282.105 Use of state SUNCOM Network by nonprofit
560 corporations.--
561 (1) The department ~~State Technology Office~~ shall provide a
562 means whereby private nonprofit corporations under contract with
563 state agencies or political subdivisions of the state may use the
564 state SUNCOM Network, subject to the limitations in this section.
565 In order to qualify to use the state SUNCOM Network, a nonprofit
566 corporation shall:
567 (a) Expend the majority of its total direct revenues for
568 the provision of contractual services to the state, a
569 municipality, or a political subdivision of the state; and
570 (b) Receive only a small portion of its total revenues from
571 any source other than a state agency, a municipality, or a
572 political subdivision of the state during the period of time
573 SUNCOM Network services are requested.
574 (2) Each nonprofit corporation seeking authorization to use
575 the state SUNCOM Network pursuant to this section shall provide
576 to the department ~~office~~, upon request, proof of compliance with
577 subsection (1).
578 (3) Nonprofit corporations established pursuant to general
579 law and an association of municipal governments which is wholly
580 owned by the municipalities shall be eligible to use the state

581 SUNCOM Network, subject to the terms and conditions of the
582 department ~~office~~.
583 (4) Institutions qualified to participate in the William L.
584 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
585 1009.89 shall be eligible to use the state SUNCOM Network,
586 subject to the terms and conditions of the department ~~office~~.
587 Such entities shall not be required to satisfy the other criteria
588 of this section.
589 (5) Private, nonprofit elementary and secondary schools
590 shall be eligible for rates and services on the same basis as
591 public schools, providing these nonpublic schools do not have an
592 endowment in excess of $50 million.
593 Section 14. Section 282.106, Florida Statutes, is amended
594 to read:
595 282.106 Use of SUNCOM Network by libraries.--The department
596 ~~State Technology Office~~ may provide SUNCOM Network services to
597 any library in the state, including libraries in public schools,
598 community colleges, state universities, and nonprofit private
599 postsecondary educational institutions, and libraries owned and
600 operated by municipalities and political subdivisions.
601 Section 15. Section 282.107, Florida Statutes, is amended
602 to read:
603 282.107 SUNCOM Network; criteria for usage.--
604 (1) The department ~~State Technology Office~~ shall
605 periodically review the qualifications of subscribers using the
606 state SUNCOM Network and shall terminate services provided to any
607 facility not qualified pursuant to ss. 282.101-282.111 or rules
608 adopted hereunder. In the event of nonpayment of invoices by
609 subscribers whose SUNCOM Network invoices are paid from sources

610 other than legislative appropriations, such nonpayment represents
611 good and sufficient reason to terminate service.
612 (2) The department ~~State Technology Office~~ shall adopt
613 rules setting forth its procedures for withdrawing and restoring
614 authorization to use the state SUNCOM Network. Such rules shall
615 provide a minimum of 30 days' notice to affected parties prior to
616 termination of voice communications service.
617 (3) Nothing in this section shall be construed to limit or
618 restrict the ability of the Florida Public Service Commission to
619 set jurisdictional tariffs of telecommunications companies.
620 Section 16. Section 282.1095, Florida Statutes, is amended
621 to read:
622 282.1095 State agency law enforcement radio system and
623 interoperability network.--
624 (1) The department ~~State Technology Office~~ may acquire and
625 implement a statewide radio communications system to serve law
626 enforcement units of state agencies, and to serve local law
627 enforcement agencies through mutual aid channels. The Joint Task
628 Force on State Agency Law Enforcement Communications is
629 established in the department ~~State Technology Office~~ to advise
630 the department ~~office~~ of member-agency needs for the planning,
631 designing, and establishment of the joint system. The State
632 Agency Law Enforcement Radio System Trust Fund is established in
633 the department ~~State Technology Office~~. The trust fund shall be
634 funded from surcharges collected under ss. 320.0802 and 328.72.
635 (2)(a) The Joint Task Force on State Agency Law Enforcement
636 Communications shall consist of eight members, as follows:
637 1. A representative of the Division of Alcoholic Beverages
638 and Tobacco of the Department of Business and Professional

639 Regulation who shall be appointed by the secretary of the
640 department.
641 2. A representative of the Division of Florida Highway
642 Patrol of the Department of Highway Safety and Motor Vehicles who
643 shall be appointed by the executive director of the department.
644 3. A representative of the Department of Law Enforcement
645 who shall be appointed by the executive director of the
646 department.
647 4. A representative of the Fish and Wildlife Conservation
648 Commission who shall be appointed by the executive director of
649 the commission.
650 5. A representative of the Division of Law Enforcement of
651 the Department of Environmental Protection who shall be appointed
652 by the secretary of the department.
653 6. A representative of the Department of Corrections who
654 shall be appointed by the secretary of the department.
655 7. A representative of the Division of State Fire Marshal
656 of the Department of Financial Services who shall be appointed by
657 the State Fire Marshal.
658 8. A representative of the Department of Transportation who
659 shall be appointed by the secretary of the department.
660 (b) Each appointed member of the joint task force shall
661 serve at the pleasure of the appointing official. Any vacancy on
662 the joint task force shall be filled in the same manner as the
663 original appointment. Any joint task force member may, upon
664 notification to the chair prior to the beginning of any scheduled
665 meeting, appoint an alternative to represent the member on the
666 task force and vote on task force business in his or her absence.
667 (c) The joint task force shall elect a chair from among its

668 members to serve a 1-year term. A vacancy in the chair of the
669 joint task force must be filled for the remainder of the
670 unexpired term by an election of the joint task force members.
671 (d) The joint task force shall meet as necessary, but at
672 least quarterly, at the call of the chair and at the time and
673 place designated by him or her.
674 (e) The per diem and travel expenses incurred by a member
675 of the joint task force in attending its meetings and in
676 attending to its affairs shall be paid pursuant to s. 112.061,
677 from funds budgeted to the state agency that the member
678 represents.
679 (f) The department ~~State Technology Office~~ is hereby
680 authorized to rent or lease space on any tower under its control.
681 The department ~~office~~ may also rent, lease, or sublease ground
682 space as necessary to locate equipment to support antennae on the
683 towers. The costs for use of such space shall be established by
684 the department ~~office~~ for each site, when it is determined to be
685 practicable and feasible to make space available. The department
686 ~~office~~ may refuse to lease space on any tower at any site. All
687 moneys collected by the department ~~office~~ for such rents, leases,
688 and subleases shall be deposited directly into the Law
689 Enforcement Radio Operating Trust Fund and may be used by the
690 department ~~office~~ to construct, maintain, or support the system.
691 (g) The department ~~State Technology Office~~ is hereby
692 authorized to rent, lease, or sublease ground space on lands
693 acquired by the department ~~office~~ for the construction of
694 privately owned or publicly owned towers. The department ~~office~~
695 may, as a part of such rental, lease, or sublease agreement,
696 require space on said tower or towers for antennae as may be

697 necessary for the construction and operation of the state agency
698 law enforcement radio system or any other state need. The
699 positions necessary for the department ~~office~~ to accomplish its
700 duties under this paragraph and paragraph (f) shall be
701 established in the General Appropriations Act and shall be funded
702 by the Law Enforcement Radio Operating Trust Fund or other
703 revenue sources.
704 (h) The department ~~State Technology Office~~ may make the
705 mutual aid channels in the statewide radio communications system
706 available to federal agencies, state agencies, and agencies of
707 the political subdivisions of the state for the purpose of public
708 safety and domestic security. The department ~~office~~ shall
709 exercise its powers and duties, as specified in this chapter, to
710 plan, manage, and administer the mutual aid channels. The
711 department ~~office~~ shall, in implementing such powers and duties,
712 act in consultation and conjunction with the Department of Law
713 Enforcement and the Division of Emergency Management of the
714 Department of Community Affairs, and shall manage and administer
715 the mutual aid channels in a manner that reasonably addresses the
716 needs and concerns of the involved law enforcement agencies and
717 emergency response agencies and entities.
718 (3) Upon appropriation, moneys in the trust fund may be
719 used by the department ~~office~~ to acquire by competitive
720 procurement the equipment; software; and engineering,
721 administrative, and maintenance services it needs to construct,
722 operate, and maintain the statewide radio system. Moneys in the
723 trust fund collected as a result of the surcharges set forth in
724 ss. 320.0802 and 328.72 shall be used to help fund the costs of
725 the system. Upon completion of the system, moneys in the trust

726 fund may also be used by the department ~~office~~ to provide for
727 payment of the recurring maintenance costs of the system.
728 (4)(a) The department ~~office~~ shall, in conjunction with the
729 Department of Law Enforcement and the Division of Emergency
730 Management of the Department of Community Affairs, establish
731 policies, procedures, and standards which shall be incorporated
732 into a comprehensive management plan for the use and operation of
733 the statewide radio communications system.
734 (b) The joint task force, in consultation with the
735 department ~~office~~, shall have the authority to permit other state
736 agencies to use the communications system, under terms and
737 conditions established by the joint task force.
738 (5) The department ~~office~~ shall provide technical support
739 to the joint task force and shall bear the overall responsibility
740 for the design, engineering, acquisition, and implementation of
741 the statewide radio communications system and for ensuring the
742 proper operation and maintenance of all system common equipment.
743 (6)(a) The department ~~State Technology Office~~ may create
744 and implement an interoperability network to enable
745 interoperability between various radio communications
746 technologies and to serve federal agencies, state agencies, and
747 agencies of political subdivisions of the state for the purpose
748 of public safety and domestic security. The department ~~office~~
749 shall, in conjunction with the Department of Law Enforcement and
750 the Division of Emergency Management of the Department of
751 Community Affairs, exercise its powers and duties pursuant to
752 this chapter to plan, manage, and administer the interoperability
753 network. The department ~~office~~ may:
754 1. Enter into mutual aid agreements among federal agencies,

755 state agencies, and political subdivisions of the state for the
756 use of the interoperability network.
757 2. Establish the cost of maintenance and operation of the
758 interoperability network and charge subscribing federal and local
759 law enforcement agencies for access and use of the network. The
760 department ~~State Technology Office~~ may not charge state law
761 enforcement agencies identified in paragraph (2)(a) to use the
762 network.
763 3. In consultation with the Department of Law Enforcement
764 and the Division of Emergency Management of the Department of
765 Community Affairs, amend and enhance the statewide radio
766 communications system as necessary to implement the
767 interoperability network.
768 (b) The department ~~State Technology Office~~, in consultation
769 with the Joint Task Force on State Agency Law Enforcement
770 Communications, and in conjunction with the Department of Law
771 Enforcement and the Division of Emergency Management of the
772 Department of Community Affairs, shall establish policies,
773 procedures, and standards to incorporate into a comprehensive
774 management plan for the use and operation of the interoperability
775 network.
776 Section 17. Section 282.111, Florida Statutes, is amended
777 to read:
778 282.111 Statewide system of regional law enforcement
779 communications.--
780 (1) It is the intent and purpose of the Legislature that a
781 statewide system of regional law enforcement communications be
782 developed whereby maximum efficiency in the use of existing radio
783 channels is achieved in order to deal more effectively with the

784 apprehension of criminals and the prevention of crime generally.
785 To this end, all law enforcement agencies within the state are
786 directed to provide the department ~~State Technology Office~~ with
787 any information the department ~~office~~ requests for the purpose of
788 implementing the provisions of subsection (2).
789 (2) The department ~~State Technology Office~~ is hereby
790 authorized and directed to develop and maintain a statewide
791 system of regional law enforcement communications. In formulating
792 such a system, the department ~~office~~ shall divide the state into
793 appropriate regions and shall develop a program which shall
794 include, but not be limited to, the following provisions:
795 (a) The communications requirements for each county and
796 municipality comprising the region.
797 (b) An interagency communications provision which shall
798 depict the communication interfaces between municipal, county,
799 and state law enforcement entities which operate within the
800 region.
801 (c) Frequency allocation and use provision which shall
802 include, on an entity basis, each assigned and planned radio
803 channel and the type of operation, simplex, duplex, or half-
804 duplex, on each channel.
805 (3) The department ~~office~~ shall adopt any necessary rules
806 and regulations for implementing and coordinating the statewide
807 system of regional law enforcement communications.
808 (4) The secretary of the department ~~Chief Information~~
809 ~~Officer of the State Technology Office~~ or his or her designee is
810 designated as the director of the statewide system of regional
811 law enforcement communications and, for the purpose of carrying
812 out the provisions of this section, is authorized to coordinate

813 the activities of the system with other interested state agencies
814 and local law enforcement agencies.
815 (5) No law enforcement communications system shall be
816 established or present system expanded without the prior approval
817 of the department ~~State Technology Office~~ .
818 (6) Within the limits of its capability, the Department of
819 Law Enforcement is encouraged to lend assistance to the
820 department ~~State Technology Office~~ in the development of the
821 statewide system of regional law enforcement communications
822 proposed by this section.
823 Section 18. Section 282.20, Florida Statutes, is amended to
824 read:
825 282.20 Technology Resource Center.--
826 (1)(a) The department ~~State Technology Office~~ shall operate
827 and manage the Technology Resource Center.
828 (b) For the purposes of this section, the term:
829 1. "Information-system utility" means a full-service
830 information-processing facility offering hardware, software,
831 operations, integration, networking, and consulting services.
832 2. "Customer" means a state agency or other entity which is
833 authorized to utilize the SUNCOM Network pursuant to this part.
834 (2) The Technology Resource Center shall:
835 (a) Serve the department ~~office~~ and other customers as an
836 information-system utility.
837 (b) Cooperate with customers to offer, develop, and support
838 a wide range of services and applications needed by users of the
839 Technology Resource Center.
840 (c) Cooperate with the Florida Legal Resource Center of the
841 Department of Legal Affairs and other state agencies to develop

842 and provide access to repositories of legal information
843 throughout the state.
844 (d) Cooperate with the department ~~office~~ to facilitate
845 interdepartmental networking and integration of network services
846 for its customers.
847 (e) Assist customers in testing and evaluating new and
848 emerging technologies that could be used to meet the needs of the
849 state.
850 (3) The department ~~office~~ may contract with customers to
851 provide any combination of services necessary for agencies to
852 fulfill their responsibilities and to serve their users.
853 (4) The Technology Resource Center may plan, design,
854 establish pilot projects for, and conduct experiments with
855 information technology resources, and may implement enhancements
856 in services when such implementation is cost-effective. Funding
857 for experiments and pilot projects shall be derived from service
858 revenues and may not exceed 5 percent of the service revenues for
859 the Technology Resource Center for any single fiscal year. Any
860 experiment, pilot project, plan, or design must be approved by
861 the secretary of the department ~~Chief Information Officer~~.
862 (5) Notwithstanding the provisions of s. 216.272, the
863 Technology Resource Center may spend funds in the reserve account
864 of the Technology Enterprise Operating Trust Fund for
865 enhancements to center operations or for information technology
866 resources. Any expenditure of reserve account funds must be
867 approved by the secretary of the department ~~Chief Information~~
868 ~~Officer~~. Any funds remaining in the reserve account at the end of
869 the fiscal year may be carried forward and spent as approved by
870 the secretary ~~Chief Information Officer~~, provided that such

871 approval conforms to any applicable provisions of chapter 216.
872 Section 19. Section 282.21, Florida Statutes, is amended to
873 read:
874 282.21 ~~The State Technology Office's~~ Electronic access
875 services of the department.--The department ~~State Technology~~
876 ~~Office~~ may collect fees for providing remote electronic access
877 pursuant to s. 119.07(2). The fees may be imposed on individual
878 transactions or as a fixed subscription for a designated period
879 of time. All fees collected under this section shall be deposited
880 in the appropriate trust fund of the program or activity that
881 made the remote electronic access available.
882 Section 20. Section 282.22, Florida Statutes, is amended to
883 read:
884 282.22 ~~State Technology Office;~~ Production, dissemination,
885 and ownership of materials and products.--
886 (1) It is the intent of the Legislature that when
887 materials, products, information, and services are acquired or
888 developed by or under the direction of the department ~~State~~
889 ~~Technology Office~~, through research and development or other
890 efforts, including those subject to copyright, patent, or
891 trademark, they shall be made available for use by state and
892 local government entities at the earliest practicable date and in
893 the most economical and efficient manner possible and consistent
894 with chapter 119.
895 (2) To accomplish this objective the department may ~~office~~
896 ~~is authorized to~~ publish or partner with private sector entities
897 to produce or have produced materials and products and to make
898 them readily available for appropriate use. The department may
899 ~~office is authorized to~~ charge an amount or receive value-added

900 services adequate to cover the essential cost of producing and
901 disseminating such materials, information, services, or products
902 and is authorized to sell services.
903 (3) If ~~In cases in which~~ the materials or products are of
904 such nature, or the circumstances are such, that it is not
905 practicable or feasible for the department ~~office~~ to produce or
906 have produced materials and products so developed, it is
907 authorized, after review and approval by the Executive Office of
908 the Governor, to license, lease, assign, sell, or otherwise give
909 written consent to any person, firm, or corporation for the
910 manufacture or use thereof, on a royalty basis, or for such other
911 consideration as the department deems ~~office shall deem~~ proper
912 and in the best interest of the state; the department shall
913 ~~office is authorized and directed to~~ protect same against
914 improper or unlawful use or infringement ~~and~~ to enforce the
915 collection of any sums due for the manufacture or use thereof by
916 any other party.
917 (4) All proceeds from the sale of such materials and
918 products or other money collected pursuant to this section shall
919 be deposited into the Grants and Donations Trust Fund of the
920 department ~~office~~ and, when properly budgeted as approved by the
921 Legislature and the Executive Office of the Governor, used to pay
922 the cost of producing and disseminating materials and products to
923 carry out the intent of this section.
924 Section 21. Section 282.23, Florida Statutes, is repealed.
925 Section 22. Section 282.3031, Florida Statutes, is amended
926 to read:
927 282.3031 Assignment of information technology planning and
928 ~~resources~~ management responsibilities.--For purposes of ss.

929 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management
930 of state information technology resources, and notwithstanding
931 other provisions of law to the contrary, the functions of
932 information technology planning and ~~resources~~ management are
933 assigned to the university boards of trustees for the development
934 and implementation of planning, management, rulemaking,
935 standards, and guidelines for the state universities; to the
936 community college boards of trustees for establishing and
937 developing rules for the community colleges; to the Supreme Court
938 for the judicial branch; to each state attorney and public
939 defender; and to the agency head ~~State Technology Office~~ for the
940 agencies within the executive branch of state government.
941 Section 23. Section 282.3032, Florida Statutes, is amended
942 to read:
943 282.3032 Development and implementation of information
944 technology systems; guiding principles.--To ensure the best
945 management of the state's information technology resources, the
946 following guiding principles are adopted:
947 (1) Information technology ~~Enterprise resource~~ planning and
948 management by state governmental entities is a prerequisite for
949 the effective development and implementation of information
950 systems to enable sharing of data and cost-effective and
951 efficient services to individuals.
952 (2) The enterprise resource planning process, as well as
953 coordination of development efforts, should include all
954 principals from the outset.
955 (3) State governmental entities should be committed to
956 maximizing information sharing and participate in enterprise-wide
957 efforts when appropriate.

958 (4) State governmental entities should maximize public
959 access to data, while complying with legitimate security,
960 privacy, and confidentiality requirements.
961 (5) State governmental entities should strive to offer
962 internet services and electronic information that serves the
963 racial and ethic diversity of the citizens of the state ~~strive~~
964 ~~for an integrated electronic system for providing the individuals~~
965 ~~with information~~ to the extent possible.
966 (6) To the extent that state government entities charge
967 each other for data, this practice, insofar as possible, should
968 be eliminated. Further, when the capture of data for mutual
969 benefit can be accomplished, the costs for the development,
970 capture, and network for access to that data should be shared.
971 (7) The redundant capture, storage, and dissemination of
972 data should, insofar as possible, be eliminated.
973 (8) Only data that are auditable, or that otherwise can be
974 determined to be accurate, valid, and reliable, should be
975 maintained.
976 (9) Methods of sharing data among different protocols
977 should be developed without requiring major redesign or
978 replacement of individual systems.
979 (10) Integration of systems and data elements should be
980 achieved through ~~by~~ established~~ing~~ policies, standards,
981 guidelines, and procedures ~~definitions, formats, and integrated~~
982 ~~electronic systems, when possible~~.
983 Section 24. Section 282.3033, Florida Statutes, is created
984 to read:
985 282.3033 State Chief Information Officer; duties.— There is
986 created a State Chief Information Officer in the Department of

987 Management Services. The State Chief Information Officer shall
988 serve both the Governor and the department as an advisor
989 regarding policies, standards, guidelines, and procedures for
990 information technology planning and management. The State Chief
991 Information Officer is a member of the Agency Chief Information
992 Officers Council and may advise and assist agencies in
993 implementing the guiding principles and other provisions in this
994 part.
995 Section 25. Section 282.3055, Florida Statutes, is amended
996 to read:
997 282.3055 Agency chief information officer; appointment;
998 duties.--
999 (1)(a) To assist the agency head ~~State Technology Officer~~
1000 in carrying out information technology ~~the enterprise resource~~
1001 planning and management responsibilities, the agency head ~~Chief~~
1002 ~~Information Officer~~ may appoint or contract for an agency chief
1003 information officer. This position may be full time or part time.
1004 (b) The agency chief information officer must, at a
1005 minimum, have knowledge and experience in both management and
1006 information technology resources.
1007 (2) The duties of the agency chief information officer
1008 include, but are not limited to:
1009 (a) Coordinating and facilitating agency information
1010 technology ~~enterprise resource~~ planning and management projects
1011 and initiatives.
1012 ~~(b) Preparing an agency annual report on enterprise~~
1013 ~~resource planning and management pursuant to s. 282.3063.~~
1014 (b) ~~(c)~~ Developing and implementing agency information
1015 technology ~~enterprise resource~~ planning and management policies,

1016 procedures, guidelines, and standards consistent with statewide
1017 policies, procedures, guidelines, and standards~~, including~~
1018 ~~specific policies and procedures for review and approval of the~~
1019 ~~agency's purchases of information technology resources in~~
1020 ~~accordance with the office's policies and procedures~~.
1021 (c) ~~(d)~~ Advising agency senior management as to the
1022 information technology ~~enterprise resource~~ planning and
1023 management and the information technology investment needs of the
1024 agency ~~for inclusion in planning documents required by law~~.
1025 (d) ~~(e)~~ Assisting in the development and prioritization of
1026 the information technology ~~enterprise resource~~ planning and
1027 management schedule of the agency's legislative budget request.
1028 Section 26. Section 282.3063, Florida Statutes, is
1029 repealed.
1030 Section 27. Section 282.310, Florida Statutes, is repealed.
1031 Section 28. Section 282.315, Florida Statutes, is amended
1032 to read:
1033 282.315 Agency Chief Information Officers Council;
1034 creation.--The Legislature finds that enhancing communication,
1035 consensus building, coordination, and facilitation of statewide
1036 enterprise information technology ~~resource~~ planning and
1037 management issues are ~~is~~ essential to improving state management
1038 of such resources.
1039 (1) There is created an Agency Chief Information Officers
1040 Council to:
1041 (a) Enhance communication among the agency chief
1042 information officers by sharing enterprise resource planning and
1043 management experiences and exchanging ideas.
1044 (b) Facilitate the sharing of best practices that are

1045 characteristic of highly successful technology organizations, as
1046 well as exemplary information technology applications of state
1047 agencies.
1048 (c) Identify efficiency opportunities among state agencies.
1049 (d) Serve as an educational forum for enterprise
1050 information technology ~~resource~~ planning and management issues.
1051 (e) Identify ~~Assist the State Technology Office in~~
1052 ~~identifying~~ critical statewide issues and, when appropriate, make
1053 recommendations for solving information technology ~~enterprise~~
1054 ~~resource planning and management~~ deficiencies.
1055 (2) Members of the council shall include the agency chief
1056 information officers, including the chief information officers of
1057 the agencies and governmental entities enumerated in s. 282.3031,
1058 except that there shall be one chief information officer selected
1059 by the state attorneys and one chief information officer selected
1060 by the public defenders. The chairs, or their designees, of the
1061 Florida Financial Management Information System Coordinating
1062 Council, the Criminal and Juvenile Justice Information Systems
1063 Council, and the Health Information Systems Council shall
1064 represent their respective organizations on the Agency Chief
1065 Information Officers Council as voting members. The council shall
1066 appoint a chair, a vice chair, and a secretary from its members
1067 to serve a 1-year term each. The council shall establish
1068 procedures to govern council business.
1069 (3) The department ~~State Technology Office~~ shall provide
1070 administrative support to the council.
1071 Section 29. Section 282.318, Florida Statutes, is amended
1072 to read:
1073 282.318 Security of data and information technology

1074 resources.--
1075 (1) This section may be cited as the "Security of Data and
1076 Information Technology ~~Resources~~ Act."
1077 (2)~~(a)~~ The department ~~State Technology Office~~, in
1078 consultation with each agency head, is responsible for
1079 coordinating, assessing, and setting minimum standard operating
1080 procedures to assure ~~and accountable for assuring~~ an adequate
1081 level of security for all data and information technology
1082 resources of each agency and, to carry out this responsibility,
1083 will ~~shall~~, at a minimum:
1084 (a)~~1~~. Require that each agency designate an information
1085 security manager who shall administer the security program of
1086 each agency for its data and information technology resources.
1087 (b)~~2~~. Require that each agency conduct, and periodically
1088 update, a comprehensive risk analysis to determine the security
1089 threats to the data, information, and information technology
1090 resources of each agency. The risk analysis information is
1091 confidential and exempt from the provisions of s. 119.07(1),
1092 except that such information shall be available to the Auditor
1093 General in performing his or her postauditing duties.
1094 (c)~~3~~. Assist each agency with the development of and
1095 provide revisions to ~~Develop, and periodically update,~~ written
1096 internal policies and procedures to assure the security of the
1097 data, information, and information technology resources of each
1098 agency. The internal policies and procedures which, if disclosed,
1099 could facilitate the unauthorized modification, disclosure, or
1100 destruction of data or information technology infrastructure
1101 ~~resources~~ are confidential information and exempt from the
1102 provisions of s. 119.07(1), except that such information shall be

1103 available to the Auditor General in performing his or her
1104 postauditing duties.
1105 (d)~~4~~. Require each agency to implement appropriate cost-
1106 effective safeguards to reduce, eliminate, or recover from the
1107 identified risks to the data, information, and information
1108 technology resources of each agency.
1109 (e)~~5~~. Require each agency to ensure that periodic internal
1110 audits and evaluations of each security program for the data,
1111 information, and information technology resources of the agency
1112 are conducted. The results of such internal audits and
1113 evaluations are confidential information and exempt from the
1114 provisions of s. 119.07(1), except that such information shall be
1115 available to the Auditor General in performing his or her
1116 postauditing duties and to the Office of Information Security for
1117 performance of its coordination and assessment duties.
1118 (f)~~6~~. Require that each agency include appropriate security
1119 requirements, as determined by the Department of Management
1120 Services ~~State Technology Office~~, in consultation with the
1121 Department of Law Enforcement ~~each agency head~~, in the written
1122 specifications for the solicitation of information technology
1123 resources.
1124 ~~(b)~~ In those instances in which the department ~~State~~
1125 ~~Technology Office~~ develops state contracts for use by state
1126 agencies, the department ~~office~~ shall include appropriate
1127 security requirements in the specifications for the solicitation
1128 for state contracts for procuring information technology
1129 resources.
1130 (3) In order to ensure the security of enterprise
1131 information, the department shall establish the Office of

1132 Information Security and shall designate a Chief Information
1133 Security Officer as the head of the office. The office shall
1134 work with all branches of state government and coordinate with
1135 the Agency Chief Information Officers Council and the Executive
1136 Office of the Governor. The office is responsible for security
1137 rulemaking and formulation of policy recommendations, security
1138 audit oversight, training of information security managers,
1139 coordination of domestic security funding for cybersecurity
1140 issues, and shall set minimum standards for the recovery of
1141 information technology following a disaster.
1142 (4) The department may adopt rules relating to the security
1143 of data, information, and information technology pursuant to ss.
1144 120.536(1) and 120.54 to administer this part.
1145 Section 30. Section 282.322, Florida Statutes, is amended
1146 to read:
1147 282.322 Special monitoring process for designated
1148 information resources management projects.--
1149 ~~(1)~~ For each information resources management project which
1150 is designated for special monitoring in the General
1151 Appropriations Act, with a proviso requiring a contract with a
1152 project monitor, the Technology Review Workgroup established
1153 pursuant to s. 216.0446, in consultation with each affected
1154 agency, shall be responsible for contracting with the project
1155 monitor. Upon contract award, funds equal to the contract amount
1156 shall be transferred to the Technology Review Workgroup upon
1157 request and subsequent approval of a budget amendment pursuant to
1158 s. 216.292. With the concurrence of the Legislative Auditing
1159 Committee, the office of the Auditor General shall be the project
1160 monitor for other projects designated for special monitoring.

1161 However, nothing in this section precludes the Auditor General
1162 from conducting such monitoring on any project designated for
1163 special monitoring. In addition to monitoring and reporting on
1164 significant communications between a contracting agency and the
1165 appropriate federal authorities, the project monitoring process
1166 shall consist of evaluating each major stage of the designated
1167 project to determine whether the deliverables have been satisfied
1168 and to assess the level of risks associated with proceeding to
1169 the next stage of the project. The major stages of each
1170 designated project shall be determined based on the agency's
1171 information systems development methodology. Within 20 days after
1172 an agency has completed a major stage of its designated project
1173 or at least 90 days, the project monitor shall issue a written
1174 report, including the findings and recommendations for correcting
1175 deficiencies, to the agency head, for review and comment. Within
1176 20 days after receipt of the project monitor's report, the agency
1177 head shall submit a written statement of explanation or rebuttal
1178 concerning the findings and recommendations of the project
1179 monitor, including any corrective action to be taken by the
1180 agency. The project monitor shall include the agency's statement
1181 in its final report, which shall be forwarded, within 7 days
1182 after receipt of the agency's statement, to the agency head, the
1183 inspector general's office of the agency, the Executive Office of
1184 the Governor, the appropriations committees of the Legislature,
1185 the Joint Legislative Auditing Committee, the Technology Review
1186 Workgroup, the President of the Senate, the Speaker of the House
1187 of Representatives, and the Office of Program Policy Analysis and
1188 Government Accountability. The Auditor General shall also receive
1189 a copy of the project monitor's report for those projects in

1190 which the Auditor General is not the project monitor.
1191 ~~(2) The Enterprise Project Management Office of the State~~
1192 ~~Technology Office shall report any information technology~~
1193 ~~projects the office identifies as high risk to the Executive~~
1194 ~~Office of the Governor, the President of the Senate, the Speaker~~
1195 ~~of the House of Representatives, and the chairs of the~~
1196 ~~appropriations committees. Within the limits of current~~
1197 ~~appropriations, the Enterprise Project Management Office shall~~
1198 ~~monitor and report on such high risk information technology~~
1199 ~~projects, and assess the levels of risks associated with~~
1200 ~~proceeding to the next stage of the project.~~
1201 Section 31. Section 282.5001, Florida Statutes, is
1202 repealed.
1203 Section 32. Section 282.5002, Florida Statutes, is
1204 repealed.
1205 Section 33. Section 282.5003, Florida Statutes, is
1206 repealed.
1207 Section 34. Section 282.5004, Florida Statutes, is
1208 repealed.
1209 Section 35. Section 282.5005, Florida Statutes, is
1210 repealed.
1211 Section 36. Section 282.5006, Florida Statutes, is
1212 repealed.
1213 Section 37. Section 282.5007, Florida Statutes, is
1214 repealed.
1215 Section 38. Section 282.5008, Florida Statutes, is
1216 repealed.
1217 Section 39. Paragraph (a) of subsection (3), subsections
1218 (4), (5), (7), (9), (10), and (12), and paragraph (a) of

1219 subsection (13) of section 365.171, Florida Statutes, are amended
1220 to read:
1221 365.171 Emergency telephone number ~~"~~911.~~"~~--
1222 (3) DEFINITIONS.--As used in this section:
1223 (a) "Department ~~Office~~" means the Department of Management
1224 Services ~~State Technology Office~~.
1225 (4) STATE PLAN.--The department ~~office~~ shall develop a
1226 statewide emergency telephone number "911" system plan. The plan
1227 shall provide for:
1228 (a) The establishment of the public agency emergency
1229 telephone communications requirements for each entity of local
1230 government in the state.
1231 (b) A system to meet specific local government
1232 requirements. Such system shall include law enforcement,
1233 firefighting, and emergency medical services and may include
1234 other emergency services such as poison control, suicide
1235 prevention, and emergency management services.
1236 (c) Identification of the mutual aid agreements necessary
1237 to obtain an effective "911" system.
1238 (d) A funding provision which shall identify the cost
1239 necessary to implement the "911" system.
1240 (e) A firm implementation schedule which shall include the
1241 installation of the "911" system in a local community within 24
1242 months after the designated agency of the local government gives
1243 a firm order to the telephone utility for a "911" system.
1244
1245 The department ~~office~~ shall be responsible for the implementation
1246 and coordination of such plan. The department ~~office~~ shall adopt
1247 any necessary rules and schedules related to public agencies for

1248 implementing and coordinating such plan, pursuant to chapter 120.
1249 The public agency designated in the plan shall order such system
1250 within 6 months after publication date of the plan if the public
1251 agency is in receipt of funds appropriated by the Legislature for
1252 the implementation and maintenance of the "911" system. Any
1253 jurisdiction which has utilized local funding as of July 1, 1976,
1254 to begin the implementation of the state plan as set forth in
1255 this section shall be eligible for at least a partial
1256 reimbursement of its direct cost when, and if, state funds are
1257 available for such reimbursement.
1258 (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the
1259 department ~~office~~ or his or her designee is designated as the
1260 director of the statewide emergency telephone number "911" system
1261 and, for the purpose of carrying out the provisions of this
1262 section, is authorized to coordinate the activities of the system
1263 with state, county, local, and private agencies. The secretary
1264 ~~director~~ is authorized to employ not less than five persons,
1265 three of whom will be at the professional level, one at the
1266 secretarial level, and one to fill a fiscal position, for the
1267 purpose of carrying out the provisions of this section. The
1268 secretary ~~director~~ in implementing the system shall consult,
1269 cooperate, and coordinate with local law enforcement agencies.
1270 (7) TELEPHONE INDUSTRY COORDINATION.--The department ~~office~~
1271 shall coordinate with the Florida Public Service Commission which
1272 shall encourage the Florida telephone industry to activate
1273 facility modification plans for a timely "911" implementation.
1274 (9) SYSTEM APPROVAL.--No emergency telephone number "911"
1275 system shall be established and no present system shall be
1276 expanded without prior approval of the department ~~office~~.

1277 (10) COMPLIANCE.--All public agencies shall assist the
1278 department ~~office~~ in their efforts to carry out the intent of
1279 this section, and such agencies shall comply with the developed
1280 plan.
1281 (12) FEDERAL ASSISTANCE.--The secretary of the department
1282 ~~office~~ or his or her designee may apply for and accept federal
1283 funding assistance in the development and implementation of a
1284 statewide emergency telephone number "911" system.
1285 (13) "911" FEE.--
1286 (a) Following approval by referendum as set forth in
1287 paragraph (b), or following approval by a majority vote of its
1288 board of county commissioners, a county may impose a "911" fee to
1289 be paid by the local exchange subscribers within its boundaries
1290 served by the "911" service. Proceeds from the "911" fee shall be
1291 used only for "911" expenditures as set forth in subparagraph 6.
1292 The manner of imposing and collecting said payment shall be as
1293 follows:
1294 1. At the request of the county subscribing to "911"
1295 service, the telephone company shall, insofar as is practicable,
1296 bill the "911" fee to the local exchange subscribers served by
1297 the "911" service, on an individual access line basis, at a rate
1298 not to exceed 50 cents per month per line (up to a maximum of 25
1299 access lines per account bill rendered). However, the fee may not
1300 be assessed on any pay telephone in this state. A county
1301 collecting the fee for the first time may collect the fee for no
1302 longer than 36 months without initiating the acquisition of its
1303 "911" equipment.
1304 2. Fees collected by the telephone company pursuant to
1305 subparagraph 1. shall be returned to the county, less the costs

1306 of administration retained pursuant to paragraph (c). The county
1307 shall provide a minimum of 90 days' written notice to the
1308 telephone company prior to the collection of any "911" fees.
1309 3. Any county that currently has an operational "911"
1310 system or that is actively pursuing the implementation of a "911"
1311 system shall establish a fund to be used exclusively for receipt
1312 and expenditure of "911" fee revenues collected pursuant to this
1313 section. All fees placed in said fund, and any interest accrued
1314 thereupon, shall be used solely for "911" costs described in
1315 subparagraph 6. The money collected and interest earned in this
1316 fund shall be appropriated for "911" purposes by the county
1317 commissioners and incorporated into the annual county budget.
1318 Such fund shall be included within the financial audit performed
1319 in accordance with s. 218.39. A report of the audit shall be
1320 forwarded to the department ~~office~~ within 60 days of its
1321 completion. A county may carry forward on an annual basis unspent
1322 moneys in the fund for expenditures allowed by this section, or
1323 it may reduce its fee. However, in no event shall a county carry
1324 forward more than 10 percent of the "911" fee billed for the
1325 prior year. The amount of moneys carried forward each year may be
1326 accumulated in order to allow for capital improvements described
1327 in this subsection. The carryover shall be documented by
1328 resolution of the board of county commissioners expressing the
1329 purpose of the carryover or by an adopted capital improvement
1330 program identifying projected expansion or replacement
1331 expenditures for "911" equipment and service features, or both.
1332 In no event shall the "911" fee carryover surplus moneys be used
1333 for any purpose other than for the "911" equipment, service
1334 features, and installation charges authorized in subparagraph 6.

1335 Nothing in this section shall prohibit a county from using other
1336 sources of revenue for improvements, replacements, or expansions
1337 of its "911" system. A county may increase its fee for purposes
1338 authorized in this section. However, in no case shall the fee
1339 exceed 50 cents per month per line. All current "911" fees shall
1340 be reported to the department ~~office~~ within 30 days of the start
1341 of each county's fiscal period. Any fee adjustment made by a
1342 county shall be reported to the department ~~office~~. A county shall
1343 give the telephone company a 90-day written notice of such fee
1344 adjustment.
1345 4. The telephone company shall have no obligation to take
1346 any legal action to enforce collection of the "911" fee. The
1347 telephone company shall provide quarterly to the county a list of
1348 the names, addresses, and telephone numbers of any and all
1349 subscribers who have identified to the telephone company their
1350 refusal to pay the "911" fee.
1351 5. The county subscribing to "911" service shall remain
1352 liable to the telephone company for any "911" service, equipment,
1353 operation, or maintenance charge owed by the county to the
1354 telephone company.
1355
1356 ~~As used in this paragraph, "telephone company" means an exchange~~
1357 ~~telephone service provider of "911" service or equipment to any~~
1358 ~~county within its certificated area.~~
1359 6. It is the intent of the Legislature that the "911" fee
1360 authorized by this section to be imposed by counties will not
1361 necessarily provide the total funding required for establishing
1362 or providing the "911" service. For purposes of this section,
1363 "911" service includes the functions of database management, call

1364 taking, location verification, and call transfer. The following
1365 costs directly attributable to the establishment and/or provision
1366 of "911" service are eligible for expenditure of moneys derived
1367 from imposition of the "911" fee authorized by this section: the
1368 acquisition, implementation, and maintenance of Public Safety
1369 Answering Point (PSAP) equipment and "911" service features, as
1370 defined in the Florida Public Service Commission's lawfully
1371 approved "911" and related tariffs and/or the acquisition,
1372 installation, and maintenance of other "911" equipment, including
1373 call answering equipment, call transfer equipment, ANI
1374 controllers, ALI controllers, ANI displays, ALI displays, station
1375 instruments, "911" telecommunications systems, teleprinters,
1376 logging recorders, instant playback recorders, telephone devices
1377 for the deaf (TDD) used in the "911" system, PSAP backup power
1378 systems, consoles, automatic call distributors, and interfaces
1379 (hardware and software) for computer-aided dispatch (CAD)
1380 systems; salary and associated expenses for "911" call takers for
1381 that portion of their time spent taking and transferring "911"
1382 calls; salary and associated expenses for a county to employ a
1383 full-time equivalent "911" coordinator position and a full-time
1384 equivalent staff assistant position per county for the portion of
1385 their time spent administrating the "911" system; training costs
1386 for PSAP call takers in the proper methods and techniques used in
1387 taking and transferring "911" calls; expenses required to develop
1388 and maintain all information (ALI and ANI databases and other
1389 information source repositories) necessary to properly inform
1390 call takers as to location address, type of emergency, and other
1391 information directly relevant to the "911" call-taking and
1392 transferring function; and, in a county defined in s. 125.011(1),

1393 such expenses related to a nonemergency "311" system, or similar
1394 nonemergency system, which improves the overall efficiency of an
1395 existing "911" system or reduces "911" emergency response time
1396 for a 2-year pilot project that ends June 30, 2003. However, no
1397 wireless telephone service provider shall be required to
1398 participate in this pilot project or to otherwise implement a
1399 nonemergency "311" system or similar nonemergency system. The
1400 "911" fee revenues shall not be used to pay for any item not
1401 listed, including, but not limited to, any capital or operational
1402 costs for emergency responses which occur after the call transfer
1403 to the responding public safety entity and the costs for
1404 constructing buildings, leasing buildings, maintaining buildings,
1405 or renovating buildings, except for those building modifications
1406 necessary to maintain the security and environmental integrity of
1407 the PSAP and "911" equipment rooms.
1408 7. It is the goal of the Legislature that enhanced "911"
1409 service be available throughout the state. Expenditure by
1410 counties of the "911" fees authorized by this section should
1411 support this goal to the greatest extent feasible within the
1412 context of local service needs and fiscal capability. Nothing in
1413 this section shall be construed to prohibit two or more counties
1414 from establishing a combined emergency "911" telephone service by
1415 interlocal agreement and utilizing the "911" fees authorized by
1416 this section for such combined "911" service.
1417
1418 <u>As used in this paragraph, "telephone company" means an exchange</u>
1419 <u>telephone service provider of "911" service or equipment to any</u>
1420 <u>county within its certificated area.</u>
1421 Section 40. Paragraph (d) of subsection (2), paragraph (f)

1422 of subsection (3), subsection (4), paragraph (a) of subsection
1423 (5), and paragraphs (c) and (d) of subsection (6) of section
1424 365.172, Florida Statutes, are amended to read:
1425 365.172 Wireless emergency telephone number "E911."--
1426 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The
1427 Legislature finds and declares that:
1428 (d) The revenues generated by the E911 fee imposed under
1429 this section are required to fund the efforts of the counties,
1430 the Wireless 911 Board under the Department of Management
1431 Services ~~State Technology Office~~, and commercial mobile radio
1432 service providers to improve the public health, safety, and
1433 welfare and serve a public purpose by providing emergency
1434 telephone assistance through wireless communications.
1435 (3) DEFINITIONS.--As used in this section and ss. 365.173
1436 and 365.174, the term:
1437 (f) "Department ~~Office~~" means the Department of Management
1438 Services ~~State Technology Office~~.
1439 (4) POWERS AND DUTIES OF THE DEPARTMENT ~~OFFICE~~.--The
1440 department ~~office~~ shall oversee the administration of the fee
1441 imposed on subscribers of statewide E911 service under subsection
1442 (8).
1443 (5) THE WIRELESS 911 BOARD.--
1444 (a) The Wireless 911 Board is established to administer,
1445 with oversight by the department ~~office~~, the fee imposed under
1446 subsection (8), including receiving revenues derived from the
1447 fee; distributing portions of such revenues to providers,
1448 counties, and the department ~~office~~; accounting for receipts,
1449 distributions, and income derived by the funds maintained in the
1450 fund; and providing annual reports to the Governor and the

1451 Legislature for submission by the department ~~office~~ on amounts
1452 collected and expended, the purposes for which expenditures have
1453 been made, and the status of wireless E911 service in this state.
1454 In order to advise and assist the department ~~office~~ in carrying
1455 out the purposes of this section, the board, which shall have the
1456 power of a body corporate, shall have the powers enumerated in
1457 subsection (6).
1458 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--
1459 (c) By February 28 of each year, the board shall prepare a
1460 report for submission by the department ~~office~~ to the Governor,
1461 the President of the Senate, and the Speaker of the House of
1462 Representatives which reflects, for the immediately preceding
1463 calendar year, the quarterly and annual receipts and
1464 disbursements of moneys in the fund, the purposes for which
1465 disbursements of moneys from the fund have been made, and the
1466 availability and status of implementation of E911 service in this
1467 state.
1468 (d) By February 28, 2001, the board shall undertake and
1469 complete a study for submission by the department ~~office~~ to the
1470 Governor, the President of the Senate, and the Speaker of the
1471 House of Representatives which addresses:
1472 1. The total amount of E911 fee revenues collected by each
1473 provider, the total amount of expenses incurred by each provider
1474 to comply with the order, and the amount of moneys on deposit in
1475 the fund, all as of December 1, 2000.
1476 2. Whether the amount of the E911 fee and the allocation
1477 percentages set forth in s. 365.173 should be adjusted to comply
1478 with the requirements of the order, and, if so, a recommended
1479 adjustment to the E911 fee.

1480 3. Any other issues related to providing wireless E911
1481 services.
1482 Section 41. Subsections (2), (5), (6), and (9) of section
1483 445.049, Florida Statutes, are amended to read:
1484 445.049 Digital Divide Council.--
1485 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is
1486 created in the Department of Management Services ~~State Technology~~
1487 ~~Office~~. The council shall consist of:
1488 (a) The Secretary of Management Services or his or her
1489 designee ~~chief information officer in the State Technology~~
1490 ~~Office~~.
1491 (b) The director of the Office of Tourism, Trade, and
1492 Economic Development in the Executive Office of the Governor.
1493 (c) The president of Workforce Florida, Inc.
1494 (d) The director of the Agency for Workforce Innovation.
1495 (e) The chair of itflorida.com, Inc.
1496 (f) The Commissioner of Education.
1497 (g) The chair of the Network Access Point of the Americas.
1498 (h) A representative of the information technology industry
1499 in this state appointed by the Speaker of the House of
1500 Representatives.
1501 (i) A representative of the information technology industry
1502 in this state appointed by the President of the Senate.
1503 (j) Two members of the House of Representatives, who shall
1504 be ex officio, nonvoting members of the council, appointed by the
1505 Speaker of the House of Representatives, one of whom shall be a
1506 member of the Republican Caucus and the other of whom shall be a
1507 member of the Democratic Caucus.
1508 (k) Two members of the Senate, who shall be ex officio,

1509 nonvoting members of the council, appointed by the President of
1510 the Senate, one of whom shall be a member of the Republican
1511 Caucus and the other of whom shall be a member of the Democratic
1512 Caucus.
1513 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
1514 SUPPORT COSTS.--The Department of Management Services ~~State~~
1515 ~~Technology Office~~ shall provide such administrative and technical
1516 support to the council as is reasonably necessary for the council
1517 to effectively and timely carry out its duties and
1518 responsibilities. All direct and indirect costs of providing such
1519 support and performing the other duties assigned to the
1520 Department of Management Services ~~State Technology Office~~ related
1521 to design and implementation of the programs authorized by this
1522 section may be paid from appropriations authorized to be used for
1523 such purposes.
1524 (6) POWERS AND DUTIES OF COUNCIL.--The council, through the
1525 Department of Management Services ~~State Technology Office~~, is
1526 authorized and empowered to facilitate the design and
1527 implementation of programs that are aimed at achieving the
1528 objectives and goals stated in this section. The Department of
1529 Management Services ~~State Technology Office~~ shall present and
1530 demonstrate to the council the design characteristics and
1531 functional elements of each program proposed to be implemented to
1532 achieve the objectives and goals stated in this section and each
1533 such program shall be reviewed and approved by the council before
1534 being implemented. Such programs shall initially be implemented
1535 as pilot programs in a minimum of six different areas of the
1536 state to develop model programs that are likely to be successful
1537 if implemented throughout the state. The areas of the state where

1538 the pilot programs are implemented shall be selected by the
1539 council with the objectives of testing the merits of the programs
1540 in each geographic region of the state and providing equal
1541 exposure of the programs to urban and rural communities alike.
1542 Implementation of all such pilot and model programs shall be
1543 administered by and through the local workforce development
1544 boards and each such board shall coordinate and confirm the ready
1545 availability and timely delivery of all elements of such programs
1546 to ensure the highest probability of such programs achieving
1547 their intended results.
1548 (9) ANNUAL REPORT.--By March 1 each year, ~~2002,~~ the
1549 council, through the Department of Management Services ~~State~~
1550 ~~Technology Office~~, shall report to the Executive Office of the
1551 Governor, the Speaker of the House of Representatives, and the
1552 President of the Senate the results of the council's monitoring,
1553 reviewing, and evaluating such programs since their inception and
1554 the council's recommendations as to whether such programs should
1555 be continued and expanded to achieve the objectives and goals
1556 stated in this section.
1557 Section 42. For fiscal year 2006-2007, 7 positions are
1558 authorized and $750,000 appropriated from General Revenue to the
1559 Department of Management Services for personnel and other
1560 expenses necessary to implement the provisions of this act
1561 related to the Office of Information Security.
1562 Section 43. This act shall take effect July 1, 2006.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1489 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		Whittier	Saliba
2) Fiscal Council			
3) State Infrastructure Council			
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 contains some of these recommendations. The bill redesignates the Florida Space Authority (FSA) as Space Florida and repeals the other two statutory space entities, as well as their boards: Florida Space Research Institute (FSRI) and the Florida Aerospace Finance Corporation (FAFC). Some responsibilities of the latter two entities are retained as those of Space Florida and others are eliminated. Many existing FSA powers and duties are revised. The bill also 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, and authorizes memoranda of agreement with other state agencies. 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% to a full exemption. This is estimated to have an annualized negative impact of $2.8 million on the state General Revenue in FY 2006. The bill directs that sales tax be collected from dealers at Cape Canaveral Air Force Station and the Kennedy Space Center and like funds be distributed to Space Florida to be used for education initiatives. This is estimated to have a negative impact of $4 million on the state General Revenue in FY 2006-07 and $4.2 million in FY 2007-08.

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.

The bill directs Space Florida to enter into memoranda of agreement with the Florida Commission on Tourism, the Department of Transportation, Enterprise Florida, Inc., Workforce Florida, Inc., and the Department of Education to implement the act.

Ensure Lower Taxes: The bill increases the sales and use tax exemptions on machinery and equipment for space and defense firms from 25% 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.

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

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.
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 and 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. It is interesting to note that 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:

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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.

- 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:

- 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 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 do the following:

- 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]

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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.

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 do the following:

- Expand employment and income opportunities for residents of this state by providing businesses domiciled in this state with the following:
  - 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;
- Acquire property;
- Make and exercise contracts;
- Make direct, guaranteed, or collateralized loans;
- 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

[10] *See* s. 331.407(1), F.S.

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

Currently, there are no sales and use tax exemptions for machinery and equipment used by space flight businesses in designing or creating 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 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

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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.
[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.

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 Math and Science Education Research

The Governor's Commission recommended that a Center for Math 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 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 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

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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."

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 alternative sites for commercial horizontal launches.

Definitions

The bill expands the definitions of the following terms: aerospace, launch pad, person, project, and spaceport system 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. A 1994 Attorney General Opinion found that the Florida Space Authority, which is 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 December 31.

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 "Florida Space Authority," "Florida Space Research Institute," and "Florida Aerospace Finance Corporation" by other entities. The bill, however, does not limit utilization of the name "Space Florida."

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;

[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.

- 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 and the following entities to enter into a memorandum of agreement (MOA):

- 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. The bill stipulates that these programs may be funded through 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 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 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 manage the contract for the operators 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 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

[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.

commercially promising, advanced, and innovative science and technology and will transfer those discoveries to the commercial sector." A Center of Excellence supports FSRI's current duties related to industry-centered research, expansion and diversification of space-related business, and commercialization. A center also 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 and the following entities to enter into an MOA:

- Workforce Florida, Inc., which is also to collaborate with Florida vocational institutes, community colleges, colleges, and universities, to develop a plan to retain and retrain workers with the skills most relevant to "space and aeronautics employers" and "further enhance the Florida Aviation/Aerospace Banner Center to ensure that graduates from the institution meet the needs of the space and aeronautics industry."

- The Department of Education to develop innovative aerospace-related education programs that promote math and science education for grades K-20.

Powers of Space Florida

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

- 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 not required to be residents of the state.
- Board members are required to file disclosure of financial interests pursuant to s. 112.3145, F.S.
- The board is increased from eight to 19 members. Requirements for membership of the board were increased to include seven Governor-appointed members from the private sector;[22] and

[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

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 strikes the requirement that the executive offices of Space Florida remain in close proximity to Kennedy Space Center. Therefore, the offices could be moved away from the spaceport, where the main launch activity takes place.

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.

Personnel management and the establishment of procedures, rules, and rates governing per diem and travel expenses of employees are moved from the powers of Space Florida to duties of 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 & equipment used in defense of space technology facilities and strikes the current 25% tax credit, allowing these items to be fully tax exempt. The 25% tax credit on machinery and equipment used predominately for semiconductor wafer research and development is also stricken, 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." Adds space flight vehicles and "components of any of the foregoing" to the definition of "space technology products."

The bill adds sub-subparagraph d. to s. 212.20(6)(e)7., F.S., relating to the distribution of sales and use tax proceeds. Specifies that every dealer conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Force Station and selling admissions to those facilities pursuant to a contract or sub-contract with NASA must file a return each month to the Department of Revenue (DOR). The return must segregate information regarding taxes collected on admissions, leases, licenses, and sales at those facilities and the taxes must be timely remitted to DOR. It requires a dealer to file copies of the return with Space Florida and the Office of Tourism, Trade, and Economic Development and directs DOR to distribute to Space Florida all taxes collected and remitted to the

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appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state."

department according to the returns. It specifies that such funds are to be used for aerospace education projects authorized in s. 331.305, F.S.[23]

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; and
- 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.
- 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 FSA, FSRI, and FAFC and their corresponding boards are dissolved effective September 1, 2006. Space Florida will assume their records, property, obligations, and unexpended balances of appropriations, allocations, or other funds. 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. See *Constitutional Issues* for further concerns regarding the structure of the new organization.

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.

C. SECTION DIRECTORY:

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

[23] The projects authorized to be funded with these monies are actually addressed in s. 331. 3051, F.S.

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.; revises 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. amends s. 212.20, F.S.; requires dealers at certain business locations to file returns with the Department of Revenue disclosing certain sales tax information; specifying return requirements; requiring the department to distribute certain proceeds to Space Florida; requiring expenditure of such proceeds for certain purposes.

Section 61. 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 62. 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 63. dissolves the Florida Space Authority, the Florida Space Research Institute, and the Florida Aerospace Finance Corporation.

Section 64. 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 65. amends s. 288.1224, F.S.; requires the Florida Commission on Tourism to enter into a memorandum of agreement with Space Florida.

Section 66. amends 288.9015, F.S.; requires Enterprise Florida, Inc., to enter into a memorandum of agreement with Space Florida.

Section 67. amends 445.004, F.S.; requires Workforce Florida, Inc., to enter into a memorandum of agreement with Space Florida.

Section 68. amends s. 1001.10, F.S.; requires the Commissioner of Education to enter into a memorandum of agreement with Space Florida.

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 in FY 2006.

   On February 24, 2006, the Revenue Estimating Conference reviewed the sales tax distribution for dealers located at Cape Canaveral Air Force Station and Kennedy Space Center and determined that the provision would have a negative impact of $4 million on the state general revenue in FY 2006-07 and $4.2 million in FY 2007-08.

   Other impacts have not yet been determined.

2. Expenditures:

   The impact of Section 59 of the bill (sales and use tax exemptions) on the Department of Revenue and the Office of Tourism, Trade, and Economic Development is indeterminate at this time.

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.

   The sales tax distribution provision for dealers located at Cape Canaveral Air Force Station and Kennedy Space Center should not have an impact on local governments. The bill provides that the monthly distributions not include proceeds of discretionary surtaxes; therefore, the local option sales taxes are not affected.

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:

The Governor's budget recommendations for FY 2006-07 propose $2 million from General Revenue for the purpose of establishing a Center for Mathematics and Science Education Research. It provides $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.

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.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

1 A bill to be entitled
2 An act relating to the state's aerospace industry;
3 redesignating the "Florida Space Authority" as "Space
4 Florida"; providing legislative intent; providing
5 definitions; revising and consolidating the roles,
6 purposes, responsibilities, assets, and duties of the
7 Florida Space Authority as those of Space Florida;
8 deleting authority to establish facilities and
9 complementary activities; providing additional powers and
10 duties of Space Florida; prohibiting Space Florida from
11 endorsing political candidates or making campaign
12 contributions; characterizing certain property as Space
13 Florida territory; providing additional powers and
14 responsibilities of Space Florida relating to the state's
15 aerospace industry; deleting authority to exercise eminent
16 domain powers; requiring Space Florida to create a
17 business plan and a marketing campaign; requiring Space
18 Florida to coordinate its activities with federal and
19 state agencies; replacing provisions providing for a board
20 of supervisors with provisions providing for a board of
21 directors of Space Florida; providing for designation and
22 appointment of members; providing for terms, removal of
23 members, and filling of vacancies; providing for board
24 meetings; specifying service without compensation;
25 providing for reimbursement of certain expenses; providing
26 financial disclosure requirements; revising powers and
27 duties of the board; creating ss. 331.3011 and 331.3051,
28 F.S.; amending ss. 331.301, 331.302, 331.303, 331.305,

29 331.306, 331.308, 331.309, 331.310, 331.3101, 331.311,
30 331.312, 331.313, 331.315, 331.316, 331.317, 331.318,
31 331.319, 331.320, 331.321, 331.322, 331.323, 331.324,
32 331.325, 331.326, 331.327, 331.328, 331.329, 331.331,
33 331.333, 331.334, 331.335, 331.336, 331.337, 331.338,
34 331.339, 331.340, 331.343, 331.345, 331.346, 331.347,
35 331.348, 331.349, 331.350, 331.351, 331.354, 331.355,
36 331.360, and 331.369, F.S., to conform; amending ss.
37 14.2015, 74.011, 196.012, 212.02, 288.063, 288.075,
38 288.35, and 288.9415, F.S., to conform; amending s.
39 212.08, F.S.; expanding the exemption from the sales and
40 use tax on certain machinery and equipment; amending s.
41 212.20, F.S.; requiring dealers at certain business
42 locations to file returns with the Department of Revenue
43 disclosing certain sales tax information; specifying
44 return requirements; requiring the department to
45 distribute certain proceeds to Space Florida; requiring
46 expenditure of such proceeds for certain purposes;
47 creating s. 1004.86, F.S.; requiring the Department of
48 Education to establish the Florida Center for Mathematics
49 and Science Education Research at a public state
50 university; specifying requirements for the center;
51 repealing s. 331.314, F.S., relating to the exclusive
52 authority of the Florida Space Authority to regulate
53 spaceports; repealing s. 331.367, F.S., relating to the
54 Spaceport Management Council; repealing s. 331.368, F.S.,
55 relating to the Florida Space Research Institute;
56 repealing ss. 331.401, 331.403, 331.405, 331.407, 331.409,

57 331.411, 331.415, 331.417, and 331.419, F.S., relating to
58 the Florida Aerospace Finance Corporation; providing that
59 the Florida Space Authority, the Florida Space Research
60 Institute, and the Florida Aerospace Finance Corporation
61 are dissolved on a specified date; providing that Space
62 Florida assumes the records, property, and unexpended
63 balances of appropriations, allocations, and other funds
64 from the dissolved entities; requiring the Governor, the
65 President of the Senate, and the Speaker of the House of
66 Representatives to appoint the board of directors of Space
67 Florida by a specified date; requiring the board of
68 directors of Space Florida to hold its first meeting by a
69 specified date; amending ss. 228.1224, 288.9015, 445.004,
70 and 1001.10, F.S.; requiring the Florida Commission on
71 Tourism, Enterprise Florida, Inc., Workforce Florida,
72 Inc., and the Commissioner of Education to enter into
73 memoranda of agreement with Space Florida; providing an
74 effective date.
75
76 Be It Enacted by the Legislature of the State of Florida:
77
78 Section 1. Section 331.301, Florida Statutes, is amended
79 to read:
80 331.301 Short title.--This act may be cited as the "Space
81 Florida ~~Space Authority~~ Act."
82 Section 2. Section 331.3011, Florida Statutes, is created
83 to read:
84 331.3011 Legislative findings and intent.--

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

113 Station and Kennedy Space Center by reducing costs and improving
114 the regulatory flexibility for commercial sector launches while
115 pursuing the development of alternative sites for commercial
116 horizontal launches.
117 (3) It is the intent of the Legislature that aerospace
118 activities be highly visible and coordinated within this state.
119 To that end, it is the intent of the Legislature that Space
120 Florida provide a single point of contact for state aerospace-
121 related activities with federal agencies, the military, state
122 agencies, businesses, and the private sector.
123 Section 3. Section 331.302, Florida Statutes, is amended
124 to read:
125 (Substantial rewording of section. See
126 s. 331.302, F.S., for present text.)
127 331.302 Space Florida; creation; purpose.--
128 (1) There is established, formed, and created Space
129 Florida, which is created and incorporated as a public
130 corporation, body politic, and subdivision of the state to
131 foster the growth and development of a sustainable and world-
132 leading aerospace industry in this state. Space Florida shall
133 promote aerospace business development by facilitating business
134 financing, spaceport operations, research and development,
135 workforce development, and innovative education programs. Space
136 Florida has all the powers, rights, privileges, and authority as
137 provided under the laws of this state.
138 (2) In carrying out its duties and responsibilities, Space
139 Florida shall advise, coordinate, cooperate, and, when
140 necessary, enter into memoranda of agreement with

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

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

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

225 (16) "Project" means any development, improvement,
226 property, launch, utility, facility, system, works, road,
227 sidewalk, enterprise, service, or convenience, which may include
228 coordination with state partners or agencies ~~Enterprise Florida,~~
229 ~~Inc., the Board of Education, the Florida Aerospace Finance~~
230 ~~Corporation, and the Florida Space Research Institute~~; any
231 rocket, capsule, module, launch facility, assembly facility,
232 operations or control facility, tracking facility,
233 administrative facility, or any other type of space-related
234 transportation vehicle, station, or facility; any type of
235 equipment or instrument to be used or useful in connection with
236 any of the foregoing; any type of intellectual property and
237 intellectual property protection in connection with any of the
238 foregoing including, without limitation, any patent, copyright,
239 trademark, and service mark for, among other things, computer
240 software; any water, wastewater, gas, or electric utility
241 system, plant, or distribution or collection system; any small
242 business incubator initiative, including any startup aerospace
243 company, and any aerospace business proposing to expand or
244 locate its business in this state, research and development
245 company, research and development facility, education and
246 workforce training facility, storage facility, and consulting
247 service; or any tourism initiative, including any space
248 experience attraction, microgravity flight program, aerospace
249 space-launch-related activity, and space museum sponsored or
250 promoted by Space Florida ~~the authority~~.
251 (17) "Range" means the geographical area designated by
252 Space Florida ~~the authority~~ or other appropriate body as the

253 area for the launching of rockets, missiles, launch vehicles,
254 and other vehicles designed to reach high altitude.
255 (18) "Recovery" means the recovery of space vehicles and
256 payloads which have been launched from or by a ~~the~~ spaceport.
257 (19) "Spaceport" means any area of land or water, or any
258 manmade object or facility located therein, developed by Space
259 Florida ~~the authority~~ under this act, which area is intended for
260 public use or for the launching, takeoff, and landing of
261 spacecraft and aircraft, and includes any appurtenant areas
262 which are used or intended for public use, for spaceport
263 buildings, or for other spaceport facilities, spaceport
264 projects, or rights-of-way.
265 ~~(20) "Spaceport Florida" means the authority or its~~
266 ~~facilities and projects.~~
267 (20) ~~(21)~~ "Spaceport launch facilities" means ~~shall be~~
268 ~~defined as~~ industrial facilities as described in ~~accordance with~~
269 s. 380.0651(3)(c) and include any launch pad, launch control
270 center, and fixed launch-support equipment.
271 (21) ~~(22)~~ "Spaceport system" means the programs,
272 organizations, and infrastructure developed by Space Florida ~~the~~
273 ~~authority~~ for the development of facilities or activities to
274 enhance and provide commercial aerospace space-related
275 development opportunities for business, education, workforce
276 development, and government within the state.
277 (22) ~~(23)~~ "Spaceport territory" means the geographical area
278 designated in s. 331.304 and as amended or changed in accordance
279 with s. 331.329.
280 (23) ~~(24)~~ "Spaceport user" means any person who uses the

281 facilities or services of any spaceport; and, for the purposes
282 of any exemptions or rights granted under this act, the ~~said~~
283 spaceport user shall be deemed a spaceport user only during the
284 time period in which the ~~such~~ person has in effect a contract,
285 memorandum of understanding, or agreement with the spaceport,
286 and such rights and exemptions shall be granted with respect to
287 transactions relating only to spaceport projects.
288 (24) ~~(25)~~ "Travel expenses" means the actual, necessary,
289 and reasonable costs of transportation, meals, lodging, and
290 incidental expenses normally incurred by a traveler, which costs
291 are defined and prescribed by rules adopted by Space Florida ~~the~~
292 ~~authority~~, subject to approval by the Chief Financial Officer.
293 (25) ~~(26)~~ "Spaceport discretionary capacity improvement
294 projects" means capacity improvements that enhance space
295 transportation capacity at spaceports that have had one or more
296 orbital or suborbital flights during the previous calendar year
297 or have an agreement in writing for installation of one or more
298 regularly scheduled orbital or suborbital flights upon the
299 commitment of funds for stipulated spaceport capital
300 improvements.
301 Section 5. Section 331.305, Florida Statutes, is amended
302 to read:
303 331.305 Powers of Space Florida ~~the authority~~.--Space
304 Florida may ~~The authority shall have the power to~~:
305 (1) Exercise all powers granted to corporations under the
306 Florida Business Corporation Act, chapter 607.
307 (2) Sue and be sued by its name in any court of law or in
308 equity.

309 (3) Adopt and use a corporate seal and alter the same at
310 pleasure.
311 ~~(4) Review and make recommendations with respect to a~~
312 ~~strategy to guide and facilitate the future of space-related~~
313 ~~educational and commercial development. The authority shall in~~
314 ~~coordination with the Federal Government, private industry, and~~
315 ~~Florida universities develop a business plan which shall address~~
316 ~~the expansion of Spaceport Florida locations, space launch~~
317 ~~capacity, spaceport projects, and complementary activities,~~
318 ~~which shall include, but not be limited to, a detailed analysis~~
319 ~~of:~~
320 ~~(a) The authority and the commercial space industry.~~
321 ~~(b) Products, services description--potential,~~
322 ~~technologies, skills.~~
323 ~~(c) Market research and evaluation--customers,~~
324 ~~competition, economics.~~
325 ~~(d) Marketing plan and strategy.~~
326 ~~(e) Design and development plan--tasks, difficulties,~~
327 ~~costs.~~
328 ~~(f) Manufacturing locations, facilities, and operations~~
329 ~~plan.~~
330 ~~(g) Management organization--roles and responsibilities.~~
331 ~~(h) Overall schedule (monthly).~~
332 ~~(i) Important risks, assumptions, and problems.~~
333 ~~(j) Community impact--economic, human development,~~
334 ~~community development.~~
335 ~~(k) Financial plan (monthly for first year; quarterly for~~
336 ~~next 3 years).~~

337 ~~(1) Proposed authority offering financing,~~
338 ~~capitalization, use of funds.~~
339 (4) ~~(5)~~ Acquire property, real, personal, intangible,
340 tangible, or mixed, within or without its territorial limits, in
341 fee simple or any lesser interest or estate, by purchase, gift,
342 devise, or lease, on such terms and conditions as the board may
343 deem necessary or desirable, and sell or otherwise dispose of
344 the same and of any of the assets and properties of Space
345 Florida ~~the authority~~.
346 (5) ~~(6)~~ Make and execute any and all contracts and other
347 instruments necessary or convenient to the exercise of its
348 powers, including financing agreements with persons or spaceport
349 users to facilitate the financing, construction, leasing, or
350 sale of any project.
351 (6) ~~(7)~~ Whenever deemed necessary by the board, lease as
352 lessor or lessee to or from any person, public or private, any
353 facilities or property for the use of Space Florida ~~the~~
354 ~~authority~~ and carry out any of the purposes of Space Florida ~~the~~
355 ~~authority~~.
356 (7) ~~(8)~~ Appoint, through its board of directors
357 ~~supervisors~~, a president ~~an executive director~~.
358 (8) ~~(9)~~ Own, acquire, construct, develop, create,
359 reconstruct, equip, operate, maintain, extend, and improve
360 launch pads, landing areas, ranges, payload assembly buildings,
361 payload processing facilities, laboratories, aerospace ~~space~~
362 business incubators, launch vehicles, payloads, space flight
363 hardware, facilities and equipment for the construction of
364 payloads, space flight hardware, rockets, and other launch

365 vehicles, and other spaceport facilities and other aerospace-
366 related ~~space-related~~ systems, including educational, cultural,
367 and parking facilities and space-related initiatives.
368 (9) Insure, coinsure, lend, and guarantee loans and to
369 originate for sale direct aerospace-related loans, pursuant to
370 criteria, bylaws, policies, and procedures adopted by the board.
371 (10) Capitalize, underwrite, and secure funding for
372 aerospace infrastructure, satellites, launch vehicles, and any
373 service that supports aerospace launches.
374 (11) Construct, lease, or sell aerospace infrastructure,
375 satellites, launch vehicles, and any other related activities
376 and services.
377 (12) Acquire, accept, or administer grants, contracts, and
378 fees from other organizations to perform activities that are
379 consistent with the purposes of this section.
380 ~~(10) Undertake a program of advertising to the public~~
381 ~~promoting space-related businesses or any spaceport projects of~~
382 ~~the authority, and expend moneys and undertake such activities~~
383 ~~to carry out such advertising and promotional program as the~~
384 ~~board from time to time may determine.~~
385 (13) ~~(11)~~ Own, acquire, construct, reconstruct, equip,
386 operate, maintain, extend, or ~~and~~ improve transportation
387 facilities appropriate to meet the transportation requirements
388 of Space Florida ~~the authority~~ and activities conducted within
389 ~~the~~ spaceport territory.
390 (14) ~~(12)~~ Own, acquire, construct, reconstruct, equip,
391 operate, maintain, extend, or ~~and~~ improve electric power plants,
392 transmission lines and related facilities, gas mains and

393 facilities of any nature for the production or distribution of
394 natural gas, transmission lines and related facilities and
395 plants and facilities for the generation and transmission of
396 power through traditional and new and experimental sources of
397 power and energy; purchase electric power, natural gas, and
398 other sources of power for distribution within any spaceport
399 territory; develop and operate water and sewer systems and waste
400 collection and disposal consistent with chapter 88-130, Laws of
401 Florida; and develop and operate such new and experimental
402 public utilities, including, but not limited to, centrally
403 distributed heating and air-conditioning facilities and
404 services, closed-circuit television systems, and computer
405 services and facilities, as the board may from time to time
406 determine. However, Space Florida may ~~the authority shall~~ not
407 construct any system, work, project, or utility authorized to be
408 constructed under this paragraph in the event that a system,
409 work, project, or utility of a similar character is being
410 actually operated by a municipality or private company in the
411 municipality or territory adjacent thereto, unless such
412 municipality or private company consents to such construction.
413 (15) ~~(13)~~ Designate, set aside, and maintain lands and
414 areas within or without the territorial limits of any spaceport
415 territory as conservation areas or bird and wildlife
416 sanctuaries; stock such areas with animal and plant life and
417 stock water areas with fish and other aquatic life; adopt
418 pursuant to ss. 120.536(1) and 120.54 ~~promulgate~~ and enforce
419 rules ~~and regulations~~ with respect thereto and protect and
420 preserve the natural beauty thereof; and do all acts necessary

421 or desirable in order to qualify such lands and areas as
422 conservation areas and sanctuaries under any of the laws of the
423 state or under federal law.
424 (16) ~~(14)~~ Establish a program for the control, abatement,
425 and elimination of mosquitoes and other noxious insects,
426 rodents, reptiles, and other pests throughout the spaceport
427 territory and undertake such works and construct such facilities
428 within or without the spaceport territory as may be determined
429 by the board to be needed to effectuate such program; abate and
430 suppress mosquitoes and other arthropods, whether disease-
431 bearing or pestiferous, within any spaceport territory when in
432 the judgment of the board such action is necessary or desirable
433 for the health and welfare of the inhabitants of or visitors to
434 any spaceport; and take any and all temporary or permanent
435 eliminative measures that the board may deem advisable. The
436 Legislature hereby finds and declares Space Florida ~~the~~
437 ~~authority~~ eligible to receive state funds, supplies, services,
438 and equipment available or that may in the future become
439 available to mosquito or pest control districts, the provisions
440 of s. 388.021 notwithstanding.
441 (17) ~~(15)~~ Subject to the rules and regulations of the
442 appropriate water management district, own, acquire, construct,
443 reconstruct, equip, maintain, operate, extend, and improve water
444 and flood control facilities. The Legislature hereby finds and
445 declares Space Florida ~~the authority~~ eligible to receive moneys,
446 disbursements, and assistance from the state available to flood
447 control or water management districts and navigation districts
448 or agencies.

449 (18) ~~(16)~~ Own, acquire, construct, reconstruct, equip,
450 maintain, operate, extend, and improve public safety facilities
451 for the spaceport, including security stations, security
452 vehicles, fire stations, water mains and plugs, and fire trucks
453 and other vehicles and equipment; hire employees, security
454 officers, and firefighters; and undertake such works and
455 construct such facilities determined by the board to be
456 necessary or desirable to promote and ensure public safety
457 within the spaceport territory.
458 (19) ~~(17)~~ Hire, through its president ~~executive director~~, a
459 safety officer with substantial experience in public safety
460 procedures and programs for space vehicle launching and related
461 hazardous operations. The safety officer shall monitor and
462 report on the safety and hazards of ground-based space
463 operations to the president ~~executive director~~.
464 ~~(18) Establish a personnel management system for hiring~~
465 ~~employees and setting employee benefit packages. The personnel~~
466 ~~of the authority shall not be considered to be within the state~~
467 ~~employment system.~~
468 ~~(19) Establish procedures, rules, and rates governing per~~
469 ~~diem and travel expenses of its employees, the members of the~~
470 ~~board of supervisors, and other persons authorized by the board~~
471 ~~to incur such expenses. Except as otherwise provided in s.~~
472 ~~331.3101, such rules are subject to provisions of state law or~~
473 ~~rules pertaining to per diem and travel expenses of public~~
474 ~~officers, employees, or other persons authorized by an agency~~
475 ~~head to incur such expenses.~~
476 (20) Examine, develop, and use ~~utilize~~ new concepts,

477 designs, and ideas; own, acquire, construct, reconstruct, equip,
478 operate, maintain, extend, and improve experimental spaceport
479 facilities and services; and otherwise undertake, sponsor,
480 finance, and maintain such research activities, experimentation,
481 and development as the board may from time to time determine, in
482 connection with any of the projects that Space Florida ~~the~~
483 ~~authority~~ is authorized to undertake pursuant to the powers and
484 authority vested in it by this act, and in order to promote the
485 development and utilization of new concepts, designs, and ideas
486 in the fields of space exploration, commercialization of the
487 space industry, and spaceport facilities.
488 (21) Issue revenue bonds, assessment bonds, or any other
489 bonds or obligations authorized by the provisions of this act or
490 any other law, or any combination of the foregoing, and pay all
491 or part of the cost of the acquisition, construction,
492 reconstruction, extension, repair, improvement, or maintenance
493 of any project or combination of projects, including payloads
494 and space flight hardware, and equipment for research,
495 development, and educational activities, to provide for any
496 facility, service, or other activity of Space Florida ~~the~~
497 ~~authority~~, and provide for the retirement or refunding of any
498 bonds or obligations of Space Florida ~~the authority~~, or for any
499 combination of the foregoing purposes. Space Florida ~~The~~
500 ~~authority~~ must provide 14 days' notice to the presiding officers
501 and appropriations chairs of both houses of the Legislature
502 prior to presenting a bond proposal to the Governor and Cabinet.
503 If either presiding officer or appropriations chair objects to
504 the bonding proposal within the 14-day-notice period, the bond

505 issuance may be approved only by a vote of two-thirds of the
506 members of the Governor and Cabinet.
507 (22) Make expenditures for entertainment and travel
508 expenses and business clients, guests, and other authorized
509 persons as provided in this act.
510 (23) In connection with any financing agreement, fix and
511 collect fees, loan payments, rental payments, and other charges
512 for the use of any project in such amount as to provide
513 sufficient moneys to pay the principal of and interest on bonds
514 as the same shall become due and payable, if so provided in the
515 bond resolution or trust agreement, and to create reserves for
516 such purposes. The fees, rents, payments, and charges and all
517 other revenues and proceeds derived from the project in
518 connection with which the bonds of any issue shall have been
519 issued, except such part thereof as may be necessary for such
520 reserves or any expenditures as may be provided in the
521 resolution authorizing the issuance of the bonds or in the trust
522 agreement securing the same, shall be set aside, at the time as
523 may be specified in the resolution or trust agreement, in a
524 sinking fund which may be pledged to and charged with the
525 payment of the principal of and the interest on such bonds as
526 the same shall become due and the redemption price or the
527 purchase price of bonds retired by call or purchase as therein
528 provided. Such pledge is ~~shall be~~ valid and binding from the
529 time the pledge is made. The fees, rents, charges, and other
530 revenues and moneys so pledged and thereafter received by or on
531 behalf of Space Florida ~~the authority~~ shall immediately be
532 subject to the lien of any such pledge without any physical

533 delivery thereof or further act, and the lien of any such pledge
534 is ~~shall be~~ valid and binding as against all parties having
535 claims of any kind in tort, contract, or otherwise against Space
536 Florida ~~the authority~~, irrespective of whether such parties have
537 notice thereof. Neither the resolution nor any trust agreement
538 by which a pledge is created need be filed or recorded, except
539 in the records of Space Florida ~~the authority~~. The use and
540 disposition of money to the credit of the sinking fund shall be
541 subject to the provisions of the resolution authorizing the
542 issuance of such bonds or the provisions of such trust
543 agreement.
544 ~~(24) Exercise the right and power of eminent domain in~~
545 ~~spaceport territory as defined in s. 331.304. In exercising such~~
546 ~~power, the authority shall comply with the procedures and~~
547 ~~requirements of chapters 73 and 74.~~
548 Section 6. Section 331.3051, Florida Statutes, is created
549 to read:
550 331.3051 Duties of Space Florida.--Space Florida shall:
551 (1) Create a business plan to foster the growth and
552 development of the aerospace industry. The business plan must
553 address business development; finance; spaceport operations;
554 research and development; workforce development; and education.
555 The business plan must be completed by March 1, 2007, and be
556 revised when determined as necessary by the board.
557 (2) Enter into memoranda of agreement with the Department
558 of Education, the Department of Transportation, Enterprise
559 Florida, Inc., the Florida Tourism Commission and its direct-
560 support organization, and Workforce Florida, Inc., for the

561 purpose of implementing this act.
562 (3) In cooperation with Enterprise Florida, Inc., develop
563 a plan to retain, expand, attract, and create aerospace industry
564 entities, public or private, which results in the creation of
565 high-value-added businesses and jobs in this state.
566 (4) Create a marketing campaign to help attract, develop,
567 and retain aerospace businesses, aerospace research and
568 technology, and other related activities in this state. The
569 campaign must be coordinated with any existing economic-
570 development-promotion efforts in this state and may use private
571 resources. Marketing strategies may include developing
572 promotional materials, Internet and print advertising, public
573 relations and media placement, trade show attendance, and other
574 activities.
575 (5) Develop, in conjunction with Enterprise Florida, Inc.,
576 and the Florida Commission on Tourism and its direct-support
577 organization, a public advertising program promoting aerospace-
578 related activities, businesses, or any Space Florida projects.
579 (6) In cooperation with Enterprise Florida, Inc., develop
580 a plan to finance aerospace businesses. The plan may include the
581 following activities:
582 (a) Assembling, publishing, and disseminating information
583 concerning financing opportunities and techniques for aerospace
584 projects, programs, and activities; sources of public and
585 private aerospace financing assistance; and sources of
586 aerospace-related financing.
587 (b) Organizing, hosting, and participating in seminars and
588 other forums designed to disseminate information and technical

589 assistance regarding aerospace-related financing.
590 (c) Coordinating with programs and goals of the Department
591 of Defense, the National Aeronautics and Space Administration,
592 the Export-Import Bank, the International Trade Administration
593 of the United States Department of Commerce, the Foreign Credit
594 Insurance Association, and other private and public programs and
595 organizations, domestic and foreign.
596 (d) Establishing a network of contacts among those
597 domestic and foreign public and private organizations that
598 provide information, technical assistance, and financial support
599 to the aerospace industry.
600 (7) In carrying out its responsibilities for spaceport
601 operations:
602 (a) Seek federal support to renew and upgrade the
603 infrastructure and technologies at the Cape Canaveral Air Force
604 Station, the Kennedy Space Center, and the Eastern Range that
605 will enhance space and military programs of the Federal
606 Government, and improve access for commercial launch activities.
607 (b) Support federal efforts to clarify roles and
608 responsibilities of federal agencies, and eliminate duplicative
609 federal rules and policies, in an effort to streamline access
610 for commercial launch users.
611 (c) Pursue 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) Promote and facilitate 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) Consult, as necessary, with the appropriate federal,
621 state, and local authorities, including the National Aeronautics
622 and Space Administration, the Federal Aviation Administration,
623 the Department of Defense, the Department of Transportation, the
624 Florida National Guard, and industry on all aspects of
625 establishing and operating spaceport infrastructure and related
626 facilities within the state.
627 (8) In carrying out its responsibility for research and
628 development:
629 (a) Manage the contract for the operators of the state's
630 Space Life Sciences Laboratory.
631 (b) Work 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) In carrying out its responsibility for workforce
638 development, coordinate with Workforce Florida, Inc., community
639 colleges, colleges, universities, and other public and private
640 partners to develop a plan to retain and retrain workers, from
641 entry-level skills training through to technician-level, and 4-
642 year degrees and higher, with the skills most relevant to space
643 and aeronautics employers, and further enhance the Florida
644 Aviation/Aerospace Banner Center to ensure that graduates from

645 the institution meet the needs of the space and aeronautics
646 industry.
647 (10) In carrying out its responsibility for creating
648 innovative education programs, fund programs developed in
649 conjunction with the Department of Education, targeting grades
650 K-20 in an effort to promote mathematics and science education
651 programs, which may include the Florida-NASA Matching Grant
652 Program, aerospace-focused education programs for teachers,
653 education-oriented microgravity flight programs for teachers and
654 students, and Internet-based aerospace education. Funds for
655 these programs shall include tax revenues distributed to Space
656 Florida under s. 212.20(6)(d) and may also include private-
657 sector support or in-kind contributions. In its annual report,
658 Space Florida shall include, at a minimum, a description of
659 programs funded, the number of students served, and private-
660 sector support.
661 Section 7. Section 331.306, Florida Statutes, is amended
662 to read:
663 331.306 Federal airspace notification.--In coordination
664 with the Florida Department of Transportation, Space Florida ~~the~~
665 ~~authority~~ shall develop and file the federal airspace
666 notification required for priority airspace use.
667 Section 8. Section 331.308, Florida Statutes, is amended
668 to read:
669 331.308 Board of directors ~~supervisors~~.--
670 (1) Space Florida shall be governed by a board of
671 directors. Designees of appointed members do not have voting
672 authority. The board of directors shall consist of the following

673 members:
674 (a) The Governor or the Governor's designee.
675 (b) The Secretary of Transportation or the secretary's
676 designee.
677 (c) The president of Workforce Florida, Inc., or the
678 president's designee.
679 (d) The president of Enterprise Florida, Inc., or the
680 president's designee.
681 (e) The president of the Florida Tourism Commission's
682 direct-support organization or the president's designee.
683 (f) The Commissioner of Education or the commissioner's
684 designee.
685 (g) Seven members from the private sector appointed by the
686 Governor. In making these appointments, the Governor shall
687 ensure that the composition of the board reflects the diversity
688 of the aerospace industry community of this state and, to the
689 greatest degree possible, that the composition of the board
690 includes, but is not limited to, individuals representing the
691 industries of business, finance, marketing, space, aerospace,
692 aviation, defense, research and development, and education. The
693 Governor shall also consider whether the current members of the
694 board, together with potential appointees, reflect the racial,
695 ethnic, and gender diversity, as well as the geographic
696 distribution, of the population of the state.
697 (h) Two ex officio, nonvoting members, one of whom shall
698 be a member of the Senate, selected by the President of the
699 Senate, and one of whom shall be a member of the House of
700 Representatives, selected by the Speaker of the House of

701 Representatives.
702 (i) Six members from the private sector, three of whom
703 shall be appointed by the President of the Senate and three of
704 whom shall be appointed by the Speaker of the House of
705 Representatives.
706 (2)(a) Vacancies on the board shall be filled for the
707 unexpired term in the same manner as the original appointments
708 to the board.
709 (b) Each member of the board of directors shall serve for
710 a term of 4 years, except that the initial terms shall be
711 staggered.
712 1. The Governor shall appoint two members for a 1-year
713 term, two members for 2-year terms, and three members for 4-year
714 terms.
715 2. The President of the Senate and the Speaker of the
716 House of Representatives shall each appoint one member for a 1-
717 year term, one member for a 2-year term, and one member for a 4-
718 year term.
719 (c) Any member is eligible for reappointment.
720 (3) Appointed members may be removed by the Governor for
721 cause. Absence from three consecutive meetings without good
722 cause shall result in automatic removal.
723 (4) All regular members are subject to confirmation by the
724 Senate at the next regular session of the Legislature.
725 (5) The Governor shall serve as chair of the board of
726 directors. The board of directors shall biennially elect one of
727 its members as vice chair to serve in the absence of the
728 Governor and to perform such other duties as may be designated.

729 The president shall keep a record of the proceedings of the
730 board of directors and shall be the custodian of all books,
731 documents, and papers filed with the board of directors, the
732 minutes of the board of directors, and the official seal of
733 Space Florida.
734 (6) The board of directors shall meet at least four times
735 each year, upon the call of the chair, at the request of the
736 vice chair, or at the request of a majority of the membership. A
737 majority of the total number of current voting directors shall
738 constitute a quorum. The board of directors may take official
739 action by a majority vote of the members present at any meeting
740 at which a quorum is present.
741 (7) Members of the board of directors shall serve without
742 compensation, but members, the president, and staff may be
743 reimbursed for all reasonable, necessary, and actual expenses,
744 as determined by the board of directors of Space Florida
745 pursuant to s. 112.061.
746 (8) Each member of the board of directors of Space Florida
747 who is not otherwise required to file financial disclosure
748 pursuant to s. 8, Art. II of the State Constitution or s.
749 112.3144, shall file disclosure of financial interests pursuant
750 to s. 112.3145. ~~There is created within the Florida Space~~
751 ~~Authority a board of supervisors consisting of eight regular~~
752 ~~members, who shall be appointed by the Governor, and two ex~~
753 ~~officio nonvoting members, one of whom shall be a state senator~~
754 ~~selected by the President of the Senate and one of whom shall be~~
755 ~~a state representative selected by the Speaker of the House of~~
756 ~~Representatives. The Lieutenant Governor, who is the state's~~

757 ~~space policy leader, shall serve as chair of the board of~~
758 ~~supervisors, and shall cast the deciding vote if the votes of~~
759 ~~the eight regular members result in a tie. The board shall elect~~
760 ~~a vice chair to preside in the absence of the Lieutenant~~
761 ~~Governor and to perform such other duties as may be designated.~~
762 ~~All regular members shall be subject to confirmation by the~~
763 ~~Senate at the next regular session of the Legislature. Existing~~
764 ~~board members are not prohibited from reappointment. Each of the~~
765 ~~regular board members must be a resident of the state and must~~
766 ~~have experience in the aerospace or commercial space industry or~~
767 ~~in finance or have other significant relevant experience. A~~
768 ~~private sector legal entity may not have more than one person~~
769 ~~serving on the board at any one time. One regular member shall~~
770 ~~represent organized labor interests, one regular member shall~~
771 ~~represent minority interests, and four regular members must~~
772 ~~represent space industry, at least one of whom must also be from~~
773 ~~a small business, as defined in s. 288.703. For the purpose of~~
774 ~~this section, "space industry" includes private sector entities~~
775 ~~engaged in space flight business, as defined in s. 212.031,~~
776 ~~research and technology development of space-based products and~~
777 ~~services, space station commercialization, development of~~
778 ~~spaceport and range technology, remote sensing products and~~
779 ~~services, space biotechnology, measurement and calibration of~~
780 ~~space assets, space-related software and information technology~~
781 ~~development, design and architecture of space-based assets and~~
782 ~~facilities for manufacturing and other purposes, space-related~~
783 ~~nanotechnology, space tourism, and other commercial enterprises~~
784 ~~utilizing uniquely space-based capabilities.~~

785 ~~(2) Each regular member shall serve a term of 4 years or~~
786 ~~until a successor is appointed and qualified. The term of each~~
787 ~~such member shall be construed to commence on the date of~~
788 ~~appointment and to terminate on June 30 of the year of the end~~
789 ~~of the term. Appointment to the board shall not preclude any~~
790 ~~such member from holding any other private or public position.~~
791 ~~(3) The ex officio nonvoting legislative members shall~~
792 ~~serve on the board for 2-year terms.~~
793 ~~(4) Any vacancy on the board shall be filled for the~~
794 ~~balance of the unexpired term.~~
795 ~~(5) The board shall appoint an executive director.~~
796 ~~Meetings shall be held quarterly or more frequently at the call~~
797 ~~of the chair. A majority of the regular members of the board~~
798 ~~shall constitute a quorum, and a majority vote of such members~~
799 ~~present is necessary for any action taken by the board.~~
800 ~~(6) The Governor has the authority to remove from the~~
801 ~~board any regular member in the manner and for cause as defined~~
802 ~~by the laws of this state and applicable to situations that may~~
803 ~~arise before the board. Unless excused by the chair of the~~
804 ~~board, a regular member's absence from two or more consecutive~~
805 ~~board meetings creates a vacancy in the office to which the~~
806 ~~member was appointed.~~
807 Section 9. Section 331.309, Florida Statutes, is amended
808 to read:
809 331.309 Treasurer; depositories; fiscal agent.--
810 (1) The board shall designate an individual who is a
811 resident of the state, or a qualified public depository as
812 defined in s. 280.02, as treasurer of Space Florida ~~the~~

813 ~~authority~~, who shall have charge of the funds of Space Florida
814 ~~the authority~~. Such funds shall be disbursed only upon the order
815 of or pursuant to the resolution of the board by warrant, check,
816 authorization, or direct deposit pursuant to s. 215.85, signed
817 or authorized by the treasurer or his or her representative or
818 by such other persons as may be authorized by the board. The
819 board may give the treasurer such other or additional powers and
820 duties as the board may deem appropriate and shall establish the
821 treasurer's compensation. The board may require the treasurer to
822 give a bond in such amount, on such terms, and with such
823 sureties as may be deemed satisfactory to the board to secure
824 the performance by the treasurer of his or her powers and
825 duties. The board shall audit or have audited the books of the
826 treasurer at least once a year.
827 (2) The board is authorized to select as depositories in
828 which the funds of the board and of Space Florida ~~the authority~~
829 shall be deposited any qualified public depository as defined in
830 s. 280.02, upon such terms and conditions as to the payment of
831 interest by such depository upon the funds so deposited as the
832 board may deem just and reasonable. ~~Funds of the authority may~~
833 ~~also be deposited with the Florida Commercial Space Financing~~
834 ~~Corporation created by s. 331.407.~~ The funds of Space Florida
835 ~~the authority~~ may be kept in or removed from the State Treasury
836 upon written notification from the chair of the board to the
837 Chief Financial Officer.
838 (3) The board may employ a fiscal agent, who shall be
839 either a resident of the state or a corporation organized under
840 the laws of this or any other state and authorized by such laws

841 to act as such fiscal agent in the state.
842 Section 10. Section 331.310, Florida Statutes, is amended
843 to read:
844 331.310 Powers and duties of the board of directors
845 ~~supervisors.--Except as otherwise provided in this act, all of~~
846 ~~the powers and duties of the authority shall be exercised by and~~
847 ~~through the board of supervisors, including the power and duty~~
848 ~~to:~~
849 (1) The board may: ~~Adopt bylaws, rules, resolutions, and~~
850 ~~orders prescribing the powers, duties, and functions of the~~
851 ~~officers of the authority, the conduct of the business of the~~
852 ~~authority, the maintenance of records, and the form of all~~
853 ~~documents and records of the authority. The board may adopt~~
854 ~~administrative rules and regulations with respect to any of the~~
855 ~~projects of the authority, with notice and public hearing.~~
856 ~~(2) Maintain an executive office and authority offices in~~
857 ~~close proximity to Kennedy Space Center.~~
858 (a) ~~(3)~~ Enter, and authorize any agent or employee of Space
859 Florida ~~the authority~~ to enter, upon any lands, waters, and
860 premises, upon giving reasonable notice and due process to the
861 land owner, for the purposes of making surveys, soundings,
862 drillings, appraisals, and examinations necessary to perform its
863 duties and functions. Any such entry shall not be deemed a
864 trespass or an entry that would constitute a taking in an
865 eminent domain proceeding. Space Florida ~~The authority~~ shall
866 make reimbursement for any actual damages to such lands, waters,
867 and premises as a result of such activity.
868 (b) ~~(4)~~ Execute all contracts and other documents, adopt

869 all proceedings, and perform all acts determined by the board to
870 be necessary or desirable to carry out the purposes of this act.
871 The board may authorize one or more members of the board to
872 execute contracts and other documents on behalf of the board or
873 Space Florida ~~the authority~~.
874 (c) ~~(5)~~ Establish and create such departments, committees,
875 or other entities ~~agencies~~ as from time to time the board may
876 deem necessary or desirable in the performance of any acts or
877 other things necessary to the exercise of the powers provided in
878 this act, and delegate to such departments, boards, or other
879 agencies such administrative duties and other powers as the
880 board may deem necessary or desirable.
881 ~~(6) Appoint a person to act as executive director of the~~
882 ~~authority, having such official title, functions, duties,~~
883 ~~powers, and salary as the board may prescribe.~~
884 (d) ~~(7)~~ Examine, and authorize any officer or agent of
885 Space Florida ~~the authority~~ to examine, the county tax rolls
886 with respect to the assessed valuation of the real and personal
887 property within any spaceport territory.
888 (e) ~~(8)~~ Engage in the planning and implementation of space-
889 related economic and educational development within the state.
890 (f) Provide the strategic direction for the aerospace-
891 related research priorities of the state and its aerospace-
892 related businesses, the scope of research projects for Space
893 Florida, and the timeframe for completion of the projects.
894 (g) ~~(9)~~ Execute intergovernmental agreements and
895 development agreements consistent with prevailing statutory
896 provisions, including, but not limited to, special benefits or

897 tax increment financing initiatives.
898 (h) ~~(10)~~ Establish reserve funds for future board
899 operations.
900 (i) ~~(11)~~ Adopt rules pursuant to chapter 120 to carry out
901 the purposes of this act.
902 (2) The board of directors shall:
903 (a) Adopt bylaws, rules, resolutions, and orders
904 prescribing the powers, duties, and functions of Space Florida
905 to conduct the business of Space Florida, the maintenance of
906 records, and the form of all documents and records of Space
907 Florida. The board may adopt rules with respect to any of the
908 projects of Space Florida with notice and a public hearing.
909 (b) Maintain a Space Florida office or offices in
910 locations that are strategically advantageous to creating or
911 expanding aerospace activities within the state.
912 (c) Appoint a person to act as the president of Space
913 Florida, having such official title, functions, duties, powers,
914 and salary as the board may prescribe.
915 (d) ~~(12)~~ Abide by all applicable federal labor laws in the
916 construction and day-to-day operations of Space Florida ~~the~~
917 ~~authority~~ and any spaceport. Further, the board shall establish,
918 by rule and regulation, pursuant to chapter 120, policies and
919 procedures for the construction and operation of Space Florida
920 ~~the authority~~ and any spaceport. The ~~Said~~ policies and
921 procedures shall be such that when Space Florida ~~the authority~~
922 expends federal funds for construction or operation of any
923 spaceport project, Space Florida ~~the authority~~ will be subject
924 to the federal labor laws observed at the Kennedy Space Center

925 and Cape Canaveral Air Force Station, Florida, applicable as a
926 result of such federal expenditures.
927 (e) ~~(13)~~ Prepare an annual report of operations. The ~~Said~~
928 report shall include, but not be limited to, a balance sheet, an
929 income statement, a statement of changes in financial position,
930 a reconciliation of changes in equity accounts, a summary of
931 significant accounting principles, the auditor's report, a
932 summary of the status of existing and proposed bonding projects,
933 comments from management about the year's business, and
934 prospects for the next year, which shall be submitted each year
935 by December 31 ~~November 30~~ to the Governor, the President of the
936 Senate, the Speaker of the House of Representatives, the
937 minority leader of the Senate, and the minority leader of the
938 House of Representatives.
939 (f) Establish a personnel management system for hiring
940 employees and establishing employee's benefit packages.
941 Personnel of Space Florida are not state employees.
942 (g) Establish procedures, rules, and rates governing per
943 diem and travel expenses of its employees, the members of the
944 board of directors, and other persons authorized by the board to
945 incur such expenses. Except as otherwise provided in s.
946 331.3101, such rules are subject to the laws and rules
947 pertaining to per diem and travel expenses of public officers,
948 employees, or other persons authorized by an agency head to
949 incur such expenses.
950 ~~(14) Change the name of the authority.~~
951 Section 11. Section 331.3101, Florida Statutes, is amended
952 to read:

953 331.3101 Space Florida ~~Space Authority~~; travel and
954 entertainment expenses.--
955 (1) Notwithstanding the provisions of s. 112.061, Space
956 Florida ~~the authority~~ shall adopt rules by which it may make
957 expenditures by advancement or reimbursement, or a combination
958 thereof, to authority officers and employees; reimburse business
959 clients, guests, and authorized persons as defined in s.
960 112.061(2)(e); and make direct payments to third-party vendors:
961 (a) For travel expenses of such business clients, guests,
962 and authorized persons incurred by Space Florida ~~the authority~~
963 in connection with the performance of its statutory duties, and
964 for travel expenses incurred by state officials and state
965 employees while accompanying such business clients, guests, or
966 authorized persons or when authorized by the board or its
967 designee.
968 (b) For entertainment expenses of such guests, business
969 clients, and authorized persons incurred by Space Florida ~~the~~
970 ~~authority~~ in connection with the performance of its statutory
971 duties, and for entertainment expenses incurred for authority
972 officials and employees when such expenses are incurred while in
973 the physical presence of such business clients, guests, or
974 authorized persons.
975 (2) The rules shall be subject to approval by the Chief
976 Financial Officer before adoption ~~prior to promulgation~~. The
977 rules shall require the submission of paid receipts, or other
978 proof prescribed by the Chief Financial Officer, with any claim
979 for reimbursement, and shall require, as a condition for any
980 advancement, an agreement to submit paid receipts or other proof

981 and to refund any unused portion of the advancement within 15
982 days after the expense is incurred or, if the advancement is
983 made in connection with travel, within 15 days after completion
984 of the travel. However, with respect to an advancement made
985 solely for travel expenses, the rules may allow paid receipts or
986 other proof to be submitted, and any unused portion of the
987 advancement to be refunded, within 30 days after completion of
988 the travel.
989 (3) An annual report shall be made to the Legislature not
990 later than December 31 ~~November 30~~ of each year for the previous
991 fiscal year, which shall consist of a synopsis concisely
992 summarizing all travel, entertainment, and incidental expenses
993 incurred within the United States and, separately, all travel,
994 entertainment, and incidental expenses incurred outside the
995 United States.
996 (4) A ~~No~~ claim submitted under this section is not ~~shall~~
997 ~~be~~ required to be sworn to before a notary public or other
998 officer authorized to administer oaths, but any claim authorized
999 or required to be made under any provision of this section must
1000 ~~shall~~ contain a statement that the expenses were actually
1001 incurred as necessary travel or entertainment expenses in the
1002 performance of official duties of Space Florida ~~the authority~~
1003 and shall be verified by written declaration that it is true and
1004 correct as to every material matter. Any person who willfully
1005 makes and subscribes to any such claim which the person does not
1006 believe to be true and correct as to every material matter or
1007 who willfully aids or assists in, or procures, counsels, or
1008 advises, the preparation or presentation of a claim pursuant to

1009 this section, which claim is fraudulent or false as to any
1010 material matter, whether or not such falsity or fraud is with
1011 the knowledge or consent of the person authorized or required to
1012 present such claim, commits a misdemeanor of the second degree,
1013 punishable as provided in s. 775.082 or s. 775.083. Whoever
1014 receives an advancement or reimbursement by means of a false
1015 claim is civilly liable, in the amount of the overpayment, for
1016 the reimbursement of the public fund from which the claim was
1017 paid.
1018 Section 12. Section 331.311, Florida Statutes, is amended
1019 to read:
1020 331.311 Exercise by authority of its powers within
1021 municipalities and other political subdivisions.--Space Florida
1022 may ~~The authority shall have the power to~~ exercise any of its
1023 rights, powers, privileges, and authority in any and all
1024 portions of any spaceport territory lying within the boundaries
1025 of any municipal corporation or other political subdivision,
1026 heretofore or hereafter created or organized, whose boundaries
1027 lie wholly or partly within the geographical limits of the
1028 spaceport territory, to the same extent and in the same manner
1029 as in areas of the spaceport territory not incorporated as part
1030 of a municipality or other political subdivision. With respect
1031 to any municipal corporation or other political subdivision
1032 whose boundaries lie partly within and partly without the
1033 geographical limits of the spaceport territory, Space Florida
1034 may ~~the authority shall have the power to~~ exercise its rights,
1035 powers, privileges, and authority only within the portion of the
1036 ~~such~~ municipal corporation or other political subdivision lying

1037 within the boundaries of the spaceport territory.
1038 Section 13. Section 331.312, Florida Statutes, is amended
1039 to read:
1040 331.312 Furnishing facilities and services within the
1041 spaceport territory.--Space Florida may ~~The authority shall have~~
1042 ~~the power to~~ construct, develop, create, maintain, and operate
1043 its projects within the geographical limits of the spaceport
1044 territory, including any portions of the spaceport territory
1045 located inside the boundaries of any incorporated municipality
1046 or other political subdivision, and to offer, supply, and
1047 furnish the facilities and services provided for in this act to,
1048 and to establish and collect fees, rentals, and other charges
1049 from, persons, public or private, within the geographical limits
1050 of the spaceport territory and for the use of Space Florida ~~the~~
1051 ~~authority~~ itself.
1052 Section 14. Section 331.313, Florida Statutes, is amended
1053 to read:
1054 331.313 Power of Space Florida ~~the authority~~ with respect
1055 to roads.--Within the territorial limits of any spaceport
1056 territory, Space Florida may ~~the authority has the right to~~
1057 acquire, through purchase or interagency agreement, or as
1058 otherwise provided in law, and to construct, control, and
1059 maintain, roads deemed necessary by Space Florida ~~the authority~~
1060 and connections thereto and extensions thereof now or hereafter
1061 acquired, constructed, or maintained in accordance with
1062 established highway safety standards; provided that, in the
1063 event a road being addressed by Space Florida ~~the authority~~ is
1064 owned by another agency or jurisdiction, Space Florida ~~the~~

1065 ~~authority~~, before ~~prior to~~ proceeding with the proposed project
1066 or work activity, shall have either coordinated the desired work
1067 with the owning agency or jurisdiction or shall have
1068 successfully executed an interagency agreement with the owning
1069 agency or jurisdiction.
1070 Section 15. Section 331.315, Florida Statutes, is amended
1071 to read:
1072 331.315 Maintenance of projects across rights-of-
1073 way.--Space Florida may ~~The authority shall have the right to~~
1074 construct and operate its projects in, along, or under any
1075 streets, alleys, highways, or other public places or ways, and
1076 across any drain, ditch, canal, floodway, holding basin,
1077 excavation, railroad right-of-way, track, grade, fill, or cut;
1078 ~~provided,~~ however, Space Florida shall pay ~~that~~ just
1079 compensation, including fees, ~~shall be paid by the authority~~ for
1080 any damages arising from ~~or private property taken by~~ the
1081 exercise of such power.
1082 Section 16. Section 331.316, Florida Statutes, is amended
1083 to read:
1084 331.316 Rates, fees, rentals, tolls, fares, and charges;
1085 procedure for adoption and modification; minimum revenue
1086 requirements.--
1087 (1) To recover the costs of the spaceport facility or
1088 system, Space Florida may ~~the authority shall have the power to~~
1089 prescribe, fix, establish, and collect rates, fees, rentals,
1090 tolls, fares, or other charges (hereinafter referred to as
1091 "revenues"), and to revise the same from time to time, for the
1092 facilities and services furnished or to be furnished by Space

1093 Florida ~~the authority~~ and the spaceport, including, but not
1094 limited to, launch pads, ranges, payload assembly and processing
1095 facilities, visitor and tourist facilities, transportation
1096 facilities, and parking and other related facilities, and may
1097 ~~shall have the power to~~ provide for reasonable penalties against
1098 any user or property for any such rates, fees, rentals, tolls,
1099 fares, or other charges that are delinquent.
1100 (2) The board may ~~shall have the power to~~ enter into
1101 contracts for the use of the projects of Space Florida ~~the~~
1102 ~~authority~~ and for the services and facilities furnished or to be
1103 furnished by Space Florida ~~the authority~~, including, but not
1104 limited to, launch services, payload assembly and processing,
1105 and other aerospace-related ~~space-related~~ services, for such
1106 consideration and on such other terms and conditions as the
1107 board may approve. Such contracts, and revenues or service
1108 charges received or to be received by Space Florida ~~the~~
1109 ~~authority~~ thereunder, may be pledged as security for any of the
1110 bonds of Space Florida ~~the authority~~.
1111 Section 17. Section 331.317, Florida Statutes, is amended
1112 to read:
1113 331.317 Recovery of delinquent charges.--In the event that
1114 any of the rates, fees, rentals, tolls, fares, other charges, or
1115 delinquent penalties shall not be paid as and when due and shall
1116 be in default for 30 days or more, the unpaid balance thereof
1117 and all interest accrued thereon, together with attorney's fees
1118 and costs, may be recovered by Space Florida ~~the authority~~ in a
1119 civil action.
1120 Section 18. Section 331.318, Florida Statutes, is amended

1121 to read:
1122 331.318 Discontinuance of service.--In the event that the
1123 rates, fees, rentals, tolls, fares, or other charges for the
1124 services and facilities of any project are not paid when due,
1125 the board may ~~shall have the power to~~ discontinue and shut off
1126 the same until such rates, fees, rentals, tolls, fares, or other
1127 charges, including interest, penalties, and charges for the
1128 shutting off and discontinuance and the restoration of such
1129 services and facilities, are fully paid. Such delinquent rates,
1130 fees, rentals, tolls, fares, or other charges, together with
1131 interest, penalties, and charges for the shutting off and
1132 discontinuance and the restoration of such services and
1133 facilities, and reasonable attorney's fees and other expenses,
1134 may be recovered by Space Florida ~~the authority~~ by suit in any
1135 court of competent jurisdiction. Space Florida ~~The authority~~ may
1136 also enforce payment of such delinquent rates, fees, rentals,
1137 tolls, fares, or other charges by any other lawful method of
1138 enforcement.
1139 Section 19. Section 331.319, Florida Statutes, is amended
1140 to read:
1141 331.319 Comprehensive planning; building and safety
1142 codes.--The board of directors may ~~supervisors shall have the~~
1143 ~~power to~~:
1144 (1) Adopt, and from time to time review, amend,
1145 supplement, or repeal, a comprehensive general plan for the
1146 physical development of the area within the spaceport territory
1147 in accordance with the objectives and purposes of this act and
1148 consistent with the comprehensive plans of the applicable county

1149 or counties and municipality or municipalities adopted pursuant
1150 to the Local Government Comprehensive Planning and Land
1151 Development Regulation Act, part II of chapter 163.
1152 (2) Prohibit within the spaceport territory the
1153 construction, alteration, repair, removal, or demolition, or the
1154 commencement of the construction, alteration, repair (except
1155 emergency repairs), removal, or demolition, of any building or
1156 structure, including, but not by way of limitation, public
1157 utility poles, lines, pipes, and facilities, without first
1158 obtaining a permit from the board or such other officer or
1159 agency as the board may designate, and to prescribe the
1160 procedure with respect to the obtaining of such permit.
1161 Section 20. Section 331.320, Florida Statutes, is amended
1162 to read:
1163 331.320 Additional powers of board.--The board of
1164 directors may ~~shall have the power~~ within any spaceport
1165 territory ~~to~~:
1166 (1) Adopt regulations to prohibit or control the pollution
1167 of air and water, and require certain location and placement of
1168 electrical power, telephone, and other utility lines, cables,
1169 pipes, and ducts.
1170 (2) Divide the spaceport territory into zones or districts
1171 of such number, shape, and area as the board may deem best
1172 suited to carry out the purposes of this act, and within and for
1173 each such district make regulations and restrictions as provided
1174 for in subsection (1).
1175 Section 21. Section 331.321, Florida Statutes, is amended
1176 to read:

1177 331.321 Federal and other funds and aid.--Space Florida
1178 may ~~The authority is authorized to~~ accept, receive, and receipt
1179 for federal moneys, property, and other moneys or properties,
1180 either public or private, for the acquisition, planning,
1181 operation, construction, enlargement, improvement, maintenance,
1182 equipment, or development of programs, facilities, and sites
1183 therefor, and ~~to~~ comply with the provisions of the laws of the
1184 United States and any rules and regulations made thereunder for
1185 the expenditure of federal moneys.
1186 Section 22. Section 331.322, Florida Statutes, is amended
1187 to read:
1188 331.322 Agreements with municipalities within any
1189 spaceport territory.--The board of directors and the governing
1190 body or bodies of any one or more municipalities located wholly
1191 or partly within any spaceport territory, whether now in
1192 existence or hereafter created, may ~~are authorized to~~ enter into
1193 and carry into effect contracts and agreements relating to the
1194 common powers, duties, and functions of the board and other
1195 officers, agents, and employees of Space Florida ~~the authority~~,
1196 and the respective governing body or bodies of one or more such
1197 municipalities, and their respective officers, agents, and
1198 employees, to the end that there may be effective cooperation
1199 between and coordination of the efforts of such municipality or
1200 municipalities and Space Florida ~~the authority~~ in discharging
1201 their common functions, powers, and duties and in rendering
1202 services to the respective residents and property owners of such
1203 municipality or municipalities and Space Florida ~~the authority~~.
1204 The board and the governing body or bodies of one or more such

1205 municipalities are further authorized to enter into and carry
1206 into effect contracts and agreements for the performance of any
1207 of their common functions, powers, and duties by a central
1208 agency or common agent of the contracting parties.
1209 Section 23. Section 331.323, Florida Statutes, is amended
1210 to read:
1211 331.323 Cooperative agreements with the state, counties,
1212 and municipalities.--
1213 (1) The state and the counties, municipalities, and other
1214 political subdivisions, public bodies, and agencies thereof, or
1215 any of them, whether now existing or hereafter created, are
1216 authorized to aid and cooperate with Space Florida ~~the authority~~
1217 in carrying out any of the purposes and projects of Space
1218 Florida ~~the authority~~, to enter into cooperative agreements with
1219 Space Florida ~~the authority~~, to provide in any such cooperative
1220 agreement for the making of loans, gifts, grants, or
1221 contributions to Space Florida ~~the authority~~ and the granting
1222 and conveyance to Space Florida ~~the authority~~ of real or
1223 personal property of any kind or nature, or any interest
1224 therein, for the carrying out of the purpose and projects of
1225 Space Florida ~~the authority~~; to covenant in any such cooperative
1226 agreement to pay all or any part of the costs of acquisition,
1227 planning, development, construction, reconstruction, extension,
1228 improvement, operation, and maintenance of any projects of Space
1229 Florida ~~the authority~~; and to pay all or any part of the
1230 principal and interest on any bonds of Space Florida ~~the~~
1231 ~~authority~~.
1232 (2) The state and the counties, municipalities, and other

1233 political subdivisions, public bodies, and agencies thereof, or
1234 any of them, whether now existing or hereafter created, and
1235 Space Florida ~~the authority created by this act~~, are further
1236 authorized to enter into cooperative agreements to provide for
1237 the furnishing by Space Florida ~~the authority~~ to the state or
1238 any county, municipality, or other political subdivision, public
1239 body, or agency thereof of any of the facilities and services of
1240 Space Florida ~~the authority~~, or by the state or any county,
1241 municipality, or other political subdivision, public body, or
1242 agency thereof to Space Florida ~~the authority~~ and to persons
1243 within the spaceport territory of facilities and services of the
1244 type that Space Florida ~~the authority~~ is authorized to furnish
1245 or undertake, or such other facilities and services as may be
1246 determined necessary or desirable by the board for the carrying
1247 out of the purposes of this act. Without limitation of the
1248 foregoing, such cooperative agreements may provide for the
1249 furnishing by any county, municipality, or other political
1250 subdivision of fire and police protection for Space Florida ~~the~~
1251 ~~authority~~ and persons and property within Space Florida ~~the~~
1252 ~~authority~~, and for the providing to Space Florida ~~the authority~~
1253 of any services deemed necessary or desirable by the board for
1254 the proper functioning of Space Florida ~~the authority~~.
1255 (3) Without limitation of the foregoing, the board may
1256 undertake and finance any of the projects of Space Florida ~~the~~
1257 ~~authority~~, in whole or in part, jointly with any municipality or
1258 municipalities, now existing or hereafter created, or in any
1259 other manner combine the projects of Space Florida ~~the authority~~
1260 with the projects of such municipality or municipalities.

1261 (4) Any agreement of the type authorized by this section
1262 may be made and entered into under ~~pursuant to~~ this act for such
1263 time or times, not exceeding 40 years.
1264 Section 24. Section 331.324, Florida Statutes, is amended
1265 to read:
1266 331.324 Contracts, grants, and contributions.--Space
1267 Florida may ~~The authority shall have the power to~~ make and enter
1268 all contracts and agreements necessary or incidental to the
1269 performance of the functions of Space Florida ~~the authority~~ and
1270 the execution of its powers, and to contract with, and to accept
1271 and receive grants or loans of money, material, or property
1272 from, any person, private or public, as the board shall
1273 determine to be necessary or desirable to carry out the purposes
1274 of this act, and in connection with any such contract, grant, or
1275 loan to stipulate and agree to such covenants, terms, and
1276 conditions as the board shall deem appropriate.
1277 Section 25. Section 331.325, Florida Statutes, is amended
1278 to read:
1279 331.325 Environmental permits.--Space Florida ~~The~~
1280 ~~authority~~ shall obtain required environmental permits in
1281 accordance with federal and state law and shall comply with the
1282 provisions of chapter 380.
1283 Section 26. Section 331.326, Florida Statutes, is amended
1284 to read:
1285 331.326 Information relating to trade secrets
1286 confidential.--The records of Space Florida ~~the authority~~
1287 regarding matters encompassed by this act are public records
1288 subject to the provisions of chapter 119. Any information held

1289 by Space Florida ~~the authority~~ which is a trade secret, as
1290 defined in s. 812.081, including trade secrets of Space Florida
1291 ~~the authority~~, any spaceport user, or the space industry
1292 business, is confidential and exempt from the provisions of s.
1293 119.07(1) and s. 24(a), Art. I of the State Constitution and may
1294 not be disclosed. If Space Florida ~~the authority~~ determines that
1295 any information requested by the public will reveal a trade
1296 secret, it shall, in writing, inform the person making the
1297 request of that determination. The determination is a final
1298 order as defined in s. 120.52. Any meeting or portion of a
1299 meeting of Space Florida's ~~the authority's~~ board ~~of supervisors~~
1300 is exempt from the provisions of s. 286.011 and s. 24(b), Art. I
1301 of the State Constitution when the board is discussing trade
1302 secrets. Any public record generated during the closed portions
1303 of the ~~such~~ meetings, such as minutes, tape recordings, and
1304 notes, is confidential and exempt from the provisions of s.
1305 119.07(1) and s. 24(a), Art. I of the State Constitution.
1306 Section 27. Section 331.327, Florida Statutes, is amended
1307 to read:
1308 331.327 Foreign trade zone.--Space Florida may ~~The~~
1309 ~~authority shall have the power to~~ apply to the Federal
1310 Government for a grant allowing the designation of any spaceport
1311 territory as a foreign trade zone pursuant to ss. 288.36 and
1312 288.37. However, the designation of any spaceport territory as a
1313 foreign trade zone does ~~shall~~ not ~~be deemed to~~ authorize an
1314 exemption from any tax imposed by the state or by any political
1315 subdivision, agency, or instrumentality thereof.
1316 Section 28. Section 331.328, Florida Statutes, is amended

1317 to read:
1318 331.328 Sovereign immunity.--Space Florida ~~The authority~~
1319 shall be granted sovereign immunity in the same manner as the
1320 state under the laws and Constitution of the State of Florida.
1321 The state, by this section, hereby waives the sovereign immunity
1322 granted to the same extent as waived by the state under state
1323 law.
1324 Section 29. Section 331.329, Florida Statutes, is amended
1325 to read:
1326 331.329 Changing boundary lines; annexation and exclusion
1327 of lands; creation of municipalities within the geographical
1328 limits of any spaceport territory; limitations on the furnishing
1329 of services within annexed areas.--
1330 (1) The board of directors may at any time strike out or
1331 correct the description of any land within or claimed to be
1332 within the boundary lines of any spaceport territory upon the
1333 written consent of the owners of all the land that would be
1334 included or excluded from the boundary lines of any spaceport
1335 territory or otherwise affected by the taking of such action,
1336 and of the owners of not less than the majority in acreage of
1337 all lands within any spaceport territory.
1338 (a) The board may enlarge the geographical limits of any
1339 spaceport territory to include any lands not then within any
1340 spaceport territory:
1341 1. Upon the written consent of the owners of all the land
1342 to be included in any spaceport territory and of the owners of
1343 not less than a majority in acreage of all the land then within
1344 any spaceport territory; or

1345 2. By resolution of the board approved at a special
1346 election called for such purpose, by vote of a majority of
1347 freeholders residing within the area to be annexed and a
1348 majority of freeholders residing within any spaceport territory.
1349 (b) The board of directors may contract the geographical
1350 limits of any spaceport territory so as to exclude from any
1351 spaceport territory any land then within any spaceport
1352 territory:
1353 1. Upon the written consent of the owners of all the land
1354 to be so excluded and of the owners of not less than a majority
1355 in acreage of all the land then within any spaceport territory;
1356 or
1357 2. By resolution of the board approved at a special
1358 election called for such purpose, by vote of a majority of
1359 freeholders residing within the area to be excluded and a
1360 majority of the freeholders residing within any spaceport
1361 territory.
1362 (2) Land, including property situated thereon, added to
1363 any spaceport territory in the manner provided in subsection (1)
1364 shall from the time of its inclusion within such spaceport
1365 territory be subject to all assessments thereafter levied and
1366 assessed on all other land or property of any spaceport
1367 territory similarly situated. Land, including property situated
1368 thereon, excluded from any spaceport territory in the manner
1369 provided in subsection (1) shall from the date of such exclusion
1370 be exempt from assessments thereafter imposed by Space Florida
1371 ~~the authority~~ but shall not be exempt from assessments
1372 theretofore levied or due with respect to such land or property,

1373 or from subsequent installments of assessments theretofore
1374 levied or assessed with respect thereto, and such assessments
1375 may be enforced and collected by or on behalf of Space Florida
1376 ~~the authority~~ in the same manner as if such land or property
1377 continued to be within the geographical limits of any spaceport
1378 territory.
1379 (3) In the event that the geographical limits of any
1380 spaceport territory as set forth in s. 331.304 are revised so as
1381 to include within any spaceport territory any areas not
1382 presently contained within any spaceport territory, Space
1383 Florida may ~~the authority shall~~ not engage in the business of
1384 furnishing electric power for sale in such annexed area, unless
1385 Space Florida ~~the authority~~ shall offer to purchase from any
1386 person who is at the time engaged in the business of making,
1387 generating, or distributing electricity for sale within such
1388 annexed area, such portion of its electric plant and property
1389 suitable and used for such business in connection therewith as
1390 lies within the limits of such annexed area, in a manner
1391 consistent with law.
1392 (4) Space Florida ~~The authority~~ shall designate new launch
1393 pads outside the present designated spaceport territories by
1394 statutory amendment of s. 331.304.
1395 Section 30. Section 331.331, Florida Statutes, is amended
1396 to read:
1397 331.331 Revenue bonds.--
1398 (1) Revenue bonds issued by Space Florida ~~the authority~~
1399 shall not be deemed revenue bonds issued by the state or its
1400 agencies for purposes of s. 11, Art. VII of the State

1401 Constitution and ss. 215.57-215.83. Space Florida ~~The authority~~
1402 shall include in its annual report to the Governor and
1403 Legislature, as provided in s. 331.310, a summary of the status
1404 of existing and proposed bonding projects.
1405 (2) The issuance of revenue bonds may be secured by or
1406 payable from the gross or net pledge of the revenues to be
1407 derived from any project or combination of projects, from the
1408 rates, fees, rentals, tolls, fares, or other charges to be
1409 collected from the users of any project or projects; from any
1410 revenue-producing undertaking or activity of Space Florida ~~the~~
1411 ~~authority~~; or from any source of pledged security. Such bonds
1412 shall not constitute an indebtedness of Space Florida ~~the~~
1413 ~~authority~~ unless such bonds are additionally secured by the full
1414 faith and credit of Space Florida ~~the authority~~. Bonds issued by
1415 Space Florida ~~the authority~~ are not secured by the full faith
1416 and credit of the State of Florida and do not constitute an
1417 obligation, either general or special, thereof.
1418 (3) Any two or more projects may be combined and
1419 consolidated into a single project, and may thereafter be
1420 operated and maintained as a single project. The revenue bonds
1421 authorized herein may be issued to finance any one or more such
1422 projects separately, or to finance two or more such projects,
1423 regardless whether or not such projects have been combined and
1424 consolidated into a single project. If the board deems it
1425 advisable, the proceedings authorizing such revenue bonds may
1426 provide that Space Florida ~~the authority~~ may thereafter combine
1427 the projects then being financed or theretofore financed with
1428 other projects to be subsequently financed by Space Florida ~~the~~

1429 ~~authority~~ shall be on a parity with the revenue bonds then being
1430 issued, all on such terms, conditions, and limitations as shall
1431 be provided, and may further provide that the revenues to be
1432 derived from the subsequent projects shall at the time of the
1433 issuance of such parity revenue bonds be also pledged to the
1434 holders of any revenue bonds theretofore issued to finance the
1435 revenue undertakings which are later combined with such
1436 subsequent projects. Space Florida ~~The authority~~ may pledge for
1437 the security of the revenue bonds a fixed amount, without regard
1438 to any fixed proportion of the gross revenues of any project.
1439 Section 31. Section 331.333, Florida Statutes, is amended
1440 to read:
1441 331.333 Refunding bonds.--Space Florida ~~The authority~~
1442 through its board may ~~shall have the power to~~ issue bonds to
1443 provide for the retirement or refunding of any bonds or
1444 obligations of Space Florida ~~the authority~~ that at the time of
1445 such issuance are or subsequently thereto become due and
1446 payable, or that at the time of issuance have been called or are
1447 or will be subject to call for redemption within 10 years
1448 thereafter, or the surrender of which can be procured from the
1449 holders thereof at prices satisfactory to the board. Refunding
1450 bonds may be issued at any time when in the judgment of the
1451 board such issuance will be advantageous to Space Florida ~~the~~
1452 ~~authority~~. The provisions of this act pertaining to bonds of
1453 Space Florida ~~the authority~~ shall, unless the context otherwise
1454 requires, govern the issuance of refunding bonds, the form and
1455 other details thereof, the rights of the holders thereof, and
1456 the duties of the board with respect to the same.

1457 Section 32. Section 331.334, Florida Statutes, is amended
1458 to read:
1459 331.334 Pledging assessments and other revenues and
1460 properties as additional security on bonds.--Space Florida ~~The~~
1461 ~~authority~~ may pledge as additional security for the payment of
1462 any of the bonds of Space Florida ~~the authority~~ its full faith
1463 and credit, and provide that such bonds shall be payable as to
1464 both principal and interest, and as to any reserve or other
1465 funds provided therefor, to the full extent that any revenues as
1466 defined in this act, assessments, or other funds, or any
1467 combination thereof, pledged therefor are insufficient for the
1468 full payment of the same, and provided further that no bonds
1469 shall be issued to the payment of which the full faith and
1470 credit of Space Florida ~~the authority~~ is pledged unless approved
1471 at an election in the manner provided by law. Space Florida ~~The~~
1472 ~~authority~~ by resolution of the board may also pledge as
1473 additional security for said bonds the revenues from any project
1474 of Space Florida ~~the authority~~, utility service, assessments,
1475 and any other sources of revenue or funds, or any combination of
1476 the foregoing, and may pledge or mortgage any of the properties,
1477 rights, interest, or other assets of Space Florida ~~the~~
1478 ~~authority~~. Bonds issued by Space Florida ~~the authority~~ are not
1479 secured by the full faith and credit of the State of Florida and
1480 do not constitute an obligation, either general or special,
1481 thereof. The board may also provide with respect to any bonds of
1482 Space Florida ~~the authority~~ that such bonds shall be payable, in
1483 whole or in part, as to principal amount or interest, or both,
1484 out of rates, fees, rentals, tolls, fares, or other charges

1485 collected with respect to any of the projects of Space Florida
1486 ~~the authority~~.
1487 Section 33. Section 331.335, Florida Statutes, is amended
1488 to read:
1489 331.335 Lien of pledges.--All pledges of revenues and
1490 assessments made pursuant to the provisions of this act shall be
1491 valid and binding from the time when such pledges are made. All
1492 such revenues and assessments so pledged and thereafter
1493 collected shall immediately be subject to the lien of such
1494 pledges without any physical delivery thereof or further action,
1495 and the lien of such pledges shall be valid and binding as
1496 against all parties having claims of any kind in tort, contract,
1497 or otherwise against Space Florida ~~the authority~~, irrespective
1498 of whether such parties have notice thereof.
1499 Section 34. Section 331.336, Florida Statutes, is amended
1500 to read:
1501 331.336 Issuance of bond anticipation notes.--In addition
1502 to the other powers provided for in this act and not in
1503 limitation thereof, Space Florida may ~~the authority shall have~~
1504 ~~the power~~, at any time from time to time after the issuance of
1505 any bonds of Space Florida ~~the authority shall~~ have been
1506 authorized, ~~to~~ borrow money for the purposes for which such
1507 bonds are to be issued in anticipation of the receipt of the
1508 proceeds of the sale of such bonds and ~~to~~ issue bond
1509 anticipation notes in a principal amount not in excess of the
1510 authorized maximum amount of such bond issue. Such notes shall
1511 be in such denomination or denominations, bear interest at such
1512 rate or rates, mature at such time or times, be renewable for

1513 such additional term or terms, and be in such form and executed
1514 in such manner as the board shall prescribe. Such notes may be
1515 sold at public sale, or if such notes shall be renewable notes,
1516 may be exchanged for notes then outstanding on such terms as the
1517 board shall determine. Such notes shall be paid from the
1518 proceeds of such bonds when issued. The board may in its
1519 discretion, in lieu of retiring the notes by means of bonds,
1520 retire them by means of current revenues or from any assessments
1521 levied for the payment of such bonds, but in such event a like
1522 amount of the bonds authorized shall not be issued.
1523 Section 35. Section 331.337, Florida Statutes, is amended
1524 to read:
1525 331.337 Short-term borrowing.--Space Florida ~~The authority~~
1526 at any time may obtain loans, in such amount and on such terms
1527 and conditions as the board may approve, for the purpose of
1528 paying any of the expenses of Space Florida ~~the authority~~ or any
1529 costs incurred or that may be incurred in connection with any of
1530 the projects of Space Florida ~~the authority~~, which loans shall
1531 have such term or terms, be renewable for such term or terms,
1532 bear interest at such rate or rates, and be payable from and
1533 secured by a pledge of such funds, revenues, and assessments as
1534 the board may determine. For the purpose of defraying such costs
1535 and expenses, Space Florida ~~the authority~~ may issue negotiable
1536 notes, warrants, or other evidences of debt signed on behalf of
1537 Space Florida ~~the authority~~ by any one of the board, such notes
1538 or other evidences of indebtedness to be payable at such time or
1539 times, to bear interest at such rate or rates, and to be sold or
1540 discounted at such price or prices and on such term or terms as

1541 the board may deem advisable. The board may ~~shall have the right~~
1542 ~~to~~ provide for the payment thereof by pledging the whole or any
1543 part of the funds, revenues, and assessments of Space Florida
1544 ~~the authority~~.
1545 Section 36. Section 331.338, Florida Statutes, is amended
1546 to read:
1547 331.338 Trust agreements.--In the discretion of the board,
1548 any issue of bonds may be secured by a trust agreement by and
1549 between Space Florida ~~the authority~~ and a corporate trustee
1550 which may be any trust company or bank having the powers of a
1551 trust company within or without the state. The resolution
1552 authorizing the issuance of the bonds or such trust agreement
1553 may pledge the revenues to be received from any projects of
1554 Space Florida ~~the authority~~ and any other authorized moneys to
1555 be used for the repayment of bonds, and may contain such
1556 provisions for protecting and enforcing the rights and remedies
1557 of the bondholders as the board may approve, including without
1558 limitation covenants setting forth the duties of Space Florida
1559 ~~the authority~~ in relation to the acquisition, planning,
1560 development, construction, reconstruction, improvement,
1561 maintenance, repair, operation, and insurance of any projects,
1562 the fixing and revision of the rates, fees, rentals, tolls,
1563 fares, and charges, and the custody, safeguarding, and
1564 application of all moneys, and for the employment of consulting
1565 engineers in connection with such acquisition, planning,
1566 development, construction, reconstruction, improvement,
1567 maintenance, repair, or operation. It shall be lawful for any
1568 bank or trust company incorporated under the laws of the state

1569 or the United States which may act as a depository of the
1570 proceeds of bonds or of revenues to furnish such indemnifying
1571 bonds or to pledge such securities as may be required by Space
1572 Florida ~~the authority~~. Such resolution or trust agreement may
1573 set forth the rights and remedies of the bondholders and of the
1574 trustee, if any, and may restrict the individual right of action
1575 by bondholders. The board may provide for the payment of the
1576 proceeds of the sale of the bonds and the revenues of any
1577 project to such officer, board, or depository as it may
1578 designate for the custody thereof, and for the method of
1579 disbursement thereof, with such safeguards and restrictions as
1580 it may determine. All expenses incurred in carrying out the
1581 provisions of such resolution or trust agreement may be treated
1582 as part of the cost of the project to which such trust agreement
1583 pertains.
1584 Section 37. Section 331.339, Florida Statutes, is amended
1585 to read:
1586 331.339 Sale of bonds.--Bonds may be sold in blocks or
1587 installments at different times, or an entire issue or series
1588 may be sold at one time. Bonds may only be sold at public sale
1589 after being advertised and publicly noticed, unless Space
1590 Florida ~~the authority~~ has previously complied with the
1591 provisions of s. 218.385. Bonds may be sold or exchanged for
1592 refunding bonds. Special assessment and revenue bonds may be
1593 delivered as payment by Space Florida ~~the authority~~ of the
1594 purchase price or lease of any project or part thereof, or a
1595 combination of projects or parts thereof, or as the purchase
1596 price of, or exchange for, any property, real, personal, or

1597 mixed, including franchises, or services rendered by any
1598 contractor, engineer, or other person, all at one time or in
1599 blocks from time to time, in such manner and upon such terms as
1600 the board in its discretion shall determine. The price or prices
1601 for any bonds sold, exchanged, or delivered may be:
1602 (1) The money paid for the bonds.
1603 (2) The principal amount, plus accrued interest to date of
1604 redemption or exchange, of outstanding obligations exchanged for
1605 refunding bonds.
1606 (3) In the case of special assessment or revenue bonds,
1607 the amount of any indebtedness to contractors or other persons
1608 paid with such bonds, or the fair value of any properties
1609 exchanged for the bonds, as determined by the board.
1610 Section 38. Section 331.340, Florida Statutes, is amended
1611 to read:
1612 331.340 Authorization and form of bonds.--Bonds may be
1613 authorized by resolution or resolutions of the board which shall
1614 be adopted by a majority of all of the members thereof then in
1615 office and present at the meeting at which the resolution or
1616 resolutions are adopted and shall be approved as provided in s.
1617 331.305. The resolution or resolutions of the board may be
1618 adopted at the same meeting at which they are introduced, and
1619 shall be published and noticed. The board may by resolution
1620 authorize the issuance of bonds, fix the aggregate amount of
1621 bonds to be issued, the purpose or purposes for which the moneys
1622 derived therefrom shall be expanded, the rate or rates of
1623 interest, the denomination of the bonds, whether or not the
1624 bonds are to be issued in one or more series, the date or dates

1625 thereof, the date or dates of maturity, which shall not exceed
1626 40 years from their respective dates of issuance, the medium of
1627 payment, the place or places within or without the state where
1628 payment shall be made, registration privileges, redemption terms
1629 and privileges (whether with or without premium), the manner of
1630 execution, the form of the bonds including any interest coupons
1631 to be attached thereto, the manner of execution of bonds and
1632 coupons, and any and all other terms, covenants, and conditions
1633 thereof, and the establishment of reserve or other funds. Such
1634 authorizing resolution may further provide that such bonds may
1635 be executed manually or by engraved, lithographed, or facsimile
1636 signature, provided that where signatures are engraved,
1637 lithographed, or facsimile no bond shall be valid unless
1638 countersigned by a registrar or other officer designated by
1639 appropriate resolution of the board. The seal of Space Florida
1640 ~~the authority~~ may be affixed, lithographed, engraved, or
1641 otherwise reproduced in facsimile on such bonds. In case any
1642 officer whose signature or a facsimile of whose signature shall
1643 appear on any bonds or coupons shall cease to be such officer
1644 before the delivery of such bonds, such signature or facsimile
1645 shall nevertheless be valid and sufficient for all purposes the
1646 same as if the officer had remained in office until such
1647 delivery.
1648 Section 39. Section 331.343, Florida Statutes, is amended
1649 to read:
1650 331.343 Defeasance.--The board may make such provision
1651 with respect to the defeasance of the right, title, and interest
1652 of the holders of any of the bonds and obligations of Space

1653 Florida ~~the authority~~ in any revenues, funds, or other
1654 properties by which such bonds are secured as the board deems
1655 appropriate and, without limitation on the foregoing, may
1656 provide that when such bonds or obligations become due and
1657 payable or shall have been called for redemption, and the whole
1658 amount of the principal and the interest and premium, if any,
1659 due and payable upon the bonds or obligations when outstanding
1660 shall be paid, or sufficient moneys or direct obligations of the
1661 United States Government the principal of and the interest on
1662 which when due will provide sufficient moneys, shall be held or
1663 deposited in trust for such purpose, and provision shall also be
1664 made for paying all other sums payable in connection with such
1665 bonds or other obligations, then and in such event the right,
1666 title, and interest of the holders of the bonds in any revenues,
1667 funds, or other properties by which such bonds are secured shall
1668 thereupon cease, terminate, and become void; and the board may
1669 apply any surplus in any sinking fund established in connection
1670 with such bonds or obligations and all balances remaining in all
1671 other funds or accounts other than money held for the redemption
1672 or payment of the bonds or other obligations to any lawful
1673 purpose of Space Florida ~~the authority~~ as the board shall
1674 determine.
1675 Section 40. Section 331.345, Florida Statutes, is amended
1676 to read:
1677 331.345 Covenants.--Any resolution authorizing the
1678 issuance of bonds may contain such covenants as the board may
1679 deem advisable and all such covenants shall constitute valid and
1680 legally binding and enforceable contracts between Space Florida

1681 ~~the authority~~ and the bondholders, regardless of the time of
1682 issuance thereof. Such covenants may include, without
1683 limitation, covenants concerning the disposition of the bond
1684 proceeds, the use and disposition of project revenues, the
1685 pledging of revenues, and assessments, the obligations of Space
1686 Florida ~~the authority~~ with respect to the operation of the
1687 project and the maintenance of adequate project revenues, the
1688 issuance of additional bonds, the appointment, powers, and
1689 duties of trustees and receivers, the acquisition of outstanding
1690 bonds and obligations, restrictions on the establishing of
1691 competing projects or facilities, restrictions on the sale or
1692 disposal of the assets and property of Space Florida ~~the~~
1693 ~~authority~~, the priority of assessment liens, the priority of
1694 claims by bondholders on the taxing power of Space Florida ~~the~~
1695 ~~authority~~, the maintenance of deposits to assure the payment of
1696 revenues by users of spaceport facilities and services, the
1697 discontinuance of authority services by reason of delinquent
1698 payments, acceleration upon default, the execution of necessary
1699 instruments, the procedure for amending or abrogating covenants
1700 with the bondholders, and such other covenants as may be deemed
1701 necessary or desirable for the security of the bondholders.
1702 Section 41. Section 331.346, Florida Statutes, is amended
1703 to read:
1704 331.346 Validity of bonds; validation proceedings.--Any
1705 bonds issued by Space Florida ~~the authority~~ shall be
1706 incontestable in the hands of bona fide purchasers or holders
1707 for value and shall not be invalid because of any irregularity
1708 or defect in the proceedings for the issue and sale thereof.

1709 Prior to the issuance of any bonds, Space Florida ~~the authority~~
1710 shall publish a notice at least once in a newspaper or
1711 newspapers published or of general circulation in the
1712 appropriate counties in the state, stating the date of adoption
1713 of the resolution authorizing such obligations, the amount,
1714 maximum rate of interest, and maturity of such obligations, and
1715 the purpose in general terms for which such obligations are to
1716 be issued, and further stating that no action or proceeding
1717 questioning the validity of such obligations or of the
1718 proceedings authorizing the issuance thereof, or of any
1719 covenants made therein, must be instituted within 20 days after
1720 the first publication of such notice, or the validity of such
1721 obligations, proceedings, and covenants shall not be thereafter
1722 questioned in any court whatsoever. If no such action or
1723 proceeding is so instituted within such 20-day period, then the
1724 validity of such obligations, proceedings, and covenants shall
1725 be conclusive, and all persons or parties whatsoever shall be
1726 forever barred from questioning the validity of such
1727 obligations, proceedings, or covenants in any court whatsoever.
1728 Section 42. Section 331.347, Florida Statutes, is amended
1729 to read:
1730 331.347 Act furnishes full authority for issuance of
1731 bonds.--This act constitutes full and complete authority for the
1732 issuance of bonds and the exercise of the powers of Space
1733 Florida ~~the authority~~ provided herein. Any and all bonds issued
1734 by Space Florida ~~the authority~~ shall not be secured by the full
1735 faith and credit of the State of Florida and do not constitute
1736 an obligation, either general or special, thereof.

1737 Section 43. Section 331.348, Florida Statutes, is amended
1738 to read:
1739 331.348 Investment of funds.--The board may in its
1740 discretion invest funds of Space Florida ~~the authority~~ through
1741 the Chief Financial Officer or in:
1742 (1) Direct obligations of or obligations guaranteed by the
1743 United States or for the payment of the principal and interest
1744 of which the faith and credit of the United States is pledged;
1745 (2) Bonds or notes issued by any of the following federal
1746 agencies: Bank for Cooperatives; federal intermediate credit
1747 banks; federal home loan bank system; federal land banks; or the
1748 Federal National Mortgage Association (including debentures or
1749 participating certificates issued by such association);
1750 (3) Public housing bonds issued by public housing
1751 authorities and secured by a pledge or annual contributions
1752 under an annual contribution contract or contracts with the
1753 United States;
1754 (4) Bonds or other interest-bearing obligations of any
1755 county, district, city, or town located in the state for which
1756 the full faith and credit of such political subdivision is
1757 pledged;
1758 (5) Any investment authorized for insurers by ss. 625.306-
1759 625.316 and amendments thereto; or
1760 (6) Any investment authorized under s. 17.57 and
1761 amendments thereto.
1762 Section 44. Section 331.349, Florida Statutes, is amended
1763 to read:
1764 331.349 Fiscal year of Space Florida ~~the authority~~.--The

1765 board may ~~has the power to~~ establish and from time to time
1766 redetermine the fiscal year of Space Florida ~~the authority~~.
1767 Unless the board otherwise provides, Space Florida's ~~the~~
1768 ~~authority's~~ fiscal year shall be July 1 through June 30.
1769 Section 45. Section 331.350, Florida Statutes, is amended
1770 to read:
1771 331.350 Insurance coverage of Space Florida ~~the authority~~;
1772 safety program.--
1773 (1) Notwithstanding any other provision of law, the State
1774 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1775 not insure buildings and property owned or leased by Space
1776 Florida ~~the authority~~.
1777 (2) Notwithstanding any other provision of law, the State
1778 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1779 not insure against any liability of Space Florida ~~the authority~~.
1780 (3) Space Florida ~~The authority~~ shall establish a safety
1781 program. The safety program shall include:
1782 (a) The development and implementation of a loss
1783 prevention program which shall consist of a comprehensive
1784 authority wide safety program, including a statement,
1785 established by the board of directors ~~supervisors~~, of safety
1786 policy and responsibility.
1787 (b) Provision for regular and periodic facility and
1788 equipment inspections.
1789 (c) Investigation of job-related employee accidents and
1790 other accidents occurring on the premises of Space Florida ~~the~~
1791 ~~authority~~ or within areas of its jurisdiction.
1792 (d) Establishment of a program to promote increased safety

1793 awareness among employees, agents, and subcontractors of Space
1794 Florida ~~the authority~~.
1795 (4)(a) Space Florida ~~The authority~~ shall, if available,
1796 secure insurance coverage within reasonable limits for liability
1797 which may arise as a consequence of its responsibilities.
1798 (b) Space Florida ~~The authority~~ shall, if available, and
1799 if cost-effective, secure insurance coverage on its buildings,
1800 facilities, and property at reasonable levels.
1801 (c) Space Florida ~~The authority~~, with respect to the
1802 purchase of insurance, shall be subject to the applicable
1803 provisions of chapter 287 and other applicable law.
1804 Section 46. Section 331.351, Florida Statutes, is amended
1805 to read:
1806 331.351 Participation by women, minorities, and socially
1807 and economically disadvantaged business enterprises
1808 encouraged.--It is the intent of the Legislature and the public
1809 policy of this state that women, minorities, and socially and
1810 economically disadvantaged business enterprises be encouraged to
1811 participate fully in all phases of economic and community
1812 development. Accordingly, to achieve such purpose, Space Florida
1813 ~~the authority~~ shall, in accordance with applicable state and
1814 federal law, involve and utilize women, minorities, and socially
1815 and economically disadvantaged business enterprises in all
1816 phases of the design, development, construction, maintenance,
1817 and operation of spaceports developed under this act.
1818 Section 47. Section 331.354, Florida Statutes, is amended
1819 to read:
1820 331.354 Tax exemption.--The exercise of the powers granted

1821 by this act in all respects shall be for the benefit of the
1822 people of the state, for the increase of their industry and
1823 prosperity, for the improvement of their health and living
1824 conditions, and for the provision of gainful employment and
1825 shall constitute the performance of essential public functions.
1826 Space Florida is ~~The authority shall~~ not ~~be~~ required to pay any
1827 taxes on any project or any other property owned by Space
1828 Florida ~~the authority~~ under ~~the provisions of~~ this act or upon
1829 the income therefrom. The bonds issued under ~~the provisions of~~
1830 this act or upon the income therefrom (including any profit made
1831 on the sale thereof), and all notes, mortgages, security
1832 agreements, letters of credit, or other instruments which arise
1833 out of or are given to secure the repayment of bonds issued in
1834 connection with a project financed under this act, shall at all
1835 times be free from taxation by the state or any local unit,
1836 political subdivision, or other instrumentality of the state.
1837 ~~Nothing in~~ This section, however, does not exempt ~~shall be~~
1838 ~~construed as exempting~~ from taxation or assessments the
1839 leasehold interest of a lessee in any project or any other
1840 property or interest owned by the lessee. The exemption granted
1841 by this section is ~~shall~~ not ~~be~~ applicable to any tax imposed by
1842 chapter 220 on interest, income, or profits on debt obligations
1843 owned by corporations.
1844 Section 48. Section 331.355, Florida Statutes, is amended
1845 to read:
1846 331.355 Use of name; ownership rights to intellectual
1847 property.--
1848 (1)(a) The corporate name of a corporation incorporated or

1849 authorized to transact business in this state, or the name of
1850 any person or business entity transacting business in this
1851 state, may not use the words "Florida Space Authority," "Florida
1852 Aerospace Finance Corporation," "Florida Space Research
1853 Institute," "spaceport Florida," or "Florida spaceport" in its
1854 name unless Space Florida ~~the authority~~ gives written approval
1855 for such use.
1856 (b) The Department of State may dissolve, pursuant to s.
1857 607.1421, any corporation that violates paragraph (a).
1858 (2) Notwithstanding any provision of chapter 286, the
1859 legal title and every right, interest, claim, or demand of any
1860 kind in and to any patent, trademark, copyright, certification
1861 mark, or other right acquired under the patent and trademark
1862 laws of the United States or this state or any foreign country,
1863 or the application for the same, as is owned or held, acquired,
1864 or developed by Space Florida ~~the authority~~, under the authority
1865 and directions given it by this part, is vested in Space Florida
1866 ~~the authority~~ for the use, benefit, and purposes provided in
1867 this part. Space Florida ~~The authority~~ is vested with and is
1868 authorized to exercise any and all of the normal incidents of
1869 such ownership, including the receipt and disposition of
1870 royalties. Any sums received as royalties from any such rights
1871 are hereby appropriated to Space Florida ~~the authority~~ for any
1872 and all of the purposes and uses provided in this part.
1873 Section 49. Section 331.360, Florida Statutes, is amended
1874 to read:
1875 331.360 Joint project agreement or assistance; spaceport
1876 master plan.--

1877 (1) It shall be the duty, function, and responsibility of
1878 the Department of Transportation to promote the further
1879 development and improvement of aerospace transportation
1880 facilities; to address intermodal requirements and impacts of
1881 the launch ranges, spaceports, and other space transportation
1882 facilities; to assist in the development of joint-use facilities
1883 and technology that support aviation and aerospace operations;
1884 and to facilitate and promote cooperative efforts between
1885 federal and state government entities to improve space
1886 transportation capacity and efficiency. In carrying out this
1887 duty and responsibility, the department may assist and advise,
1888 cooperate with, and coordinate with federal, state, local, or
1889 private organizations and individuals. The department may
1890 administratively house its space transportation responsibilities
1891 within an existing division or office.
1892 (2) Notwithstanding any other provision of law, the
1893 Department of Transportation may enter into a joint project
1894 agreement with, or otherwise assist, ~~the Florida~~ Space Florida
1895 ~~Authority~~ as necessary to effectuate the provisions of this
1896 chapter and may allocate funds for such purposes in its 5-year
1897 work program. However, the department may not fund the
1898 administrative or operational costs of Space Florida ~~the~~
1899 ~~authority~~.
1900 (3) Space Florida ~~The authority~~ shall develop a spaceport
1901 master plan for expansion and modernization of space
1902 transportation facilities within spaceport territories as
1903 defined in s. 331.303(22) ~~(23)~~. The plan shall contain
1904 recommended projects to meet current and future commercial,

1905 national, and state space transportation requirements. Space
1906 Florida ~~The authority~~ shall submit the plan to any appropriate
1907 metropolitan planning organization ~~M.P.O.~~ for review of
1908 intermodal impacts. Space Florida ~~The authority~~ shall submit the
1909 spaceport master plan to the Department of Transportation, and
1910 such plan may be included within the department's 5-year work
1911 program of qualifying aerospace discretionary capacity
1912 improvement under subsection (4). The plan shall identify
1913 appropriate funding levels and include recommendations on
1914 appropriate sources of revenue that may be developed to
1915 contribute to the State Transportation Trust Fund.
1916 (4) Subject to the availability of appropriated funds, the
1917 department may participate in the capital cost of eligible
1918 spaceport discretionary capacity improvement projects. The
1919 annual legislative budget request shall be based on the proposed
1920 funding requested for approved spaceport discretionary capacity
1921 improvement projects.
1922 Section 50. Section 331.369, Florida Statutes, is amended
1923 to read:
1924 331.369 Space Industry Workforce Initiative.--
1925 (1) The Legislature finds that the aerospace ~~space~~
1926 industry is critical to the economic future of the state and
1927 that the competitiveness of the industry in the state depends
1928 upon the development and maintenance of a qualified workforce.
1929 The Legislature further finds that the aerospace ~~space~~ industry
1930 in this state has diverse and complex workforce needs,
1931 including, but not limited to, the need for qualified entry-
1932 level workers, the need to upgrade the skills of technician-

1933 level incumbent workers, and the need to ensure continuing
1934 education opportunities for workers with advanced educational
1935 degrees. It is the intent of the Legislature to support programs
1936 designed to address the workforce development needs of the
1937 aerospace ~~space~~ industry in this state.
1938 (2) The Workforce Development Board of Enterprise Florida,
1939 Inc., or it successor entity, shall coordinate development of a
1940 Space Industry Workforce Initiative in partnership with Space
1941 Florida, ~~the Florida Space Research Institute, the institute's~~
1942 ~~consortium of~~ public and private universities, community
1943 colleges, and other training providers approved by the board.
1944 The purpose of the initiative is to use or revise existing
1945 programs and to develop innovative new programs to address the
1946 workforce needs of the aerospace ~~space~~ industry.
1947 (3) The initiative shall emphasize:
1948 (a) Curricula content and timeframes developed with
1949 industry participation and endorsed by the industry;
1950 (b) Programs that certify persons completing training as
1951 meeting industry-approved standards or competencies;
1952 (c) Use of distance-learning and computer-based training
1953 modules as appropriate and feasible;
1954 (d) Industry solicitation of public and private
1955 universities to develop continuing education programs at the
1956 master's and doctoral levels;
1957 (e) Agreements with the National Aeronautics and Space
1958 Administration to replicate on a national level successful
1959 training programs developed through the initiative; and
1960 (f) Leveraging of state and federal workforce funds.

1961 (4) The Workforce Development Board of Enterprise Florida,
1962 Inc., or its successor entity, with the assistance of Space
1963 Florida ~~the Florida Space Research Institute~~, shall convene
1964 representatives from the aerospace ~~space~~ industry to identify
1965 the priority training and education needs of the industry and to
1966 appoint a team to design programs to meet the ~~such~~ priority
1967 needs.
1968 (5) The Workforce Development Board of Enterprise Florida,
1969 Inc., or its successor entity, as part of its statutorily
1970 prescribed annual report to the Legislature, shall provide
1971 recommendations for policies, programs, and funding to enhance
1972 the workforce needs of the aerospace ~~space~~ industry.
1973 Section 51. Paragraph (g) of subsection (2) of section
1974 14.2015, Florida Statutes, is amended to read:
1975 14.2015 Office of Tourism, Trade, and Economic
1976 Development; creation; powers and duties.--
1977 (2) The purpose of the Office of Tourism, Trade, and
1978 Economic Development is to assist the Governor in working with
1979 the Legislature, state agencies, business leaders, and economic
1980 development professionals to formulate and implement coherent
1981 and consistent policies and strategies designed to provide
1982 economic opportunities for all Floridians. To accomplish such
1983 purposes, the Office of Tourism, Trade, and Economic Development
1984 shall:
1985 (g) Serve as contract administrator for the state with
1986 respect to contracts with Enterprise Florida, Inc., the Florida
1987 Commission on Tourism, Space Florida, and all direct-support
1988 organizations under this act, excluding those relating to

1989 tourism. To accomplish the provisions of this act and applicable
1990 provisions of chapter 288, and notwithstanding the provisions of
1991 part I of chapter 287, the office shall enter into specific
1992 contracts with Enterprise Florida, Inc., the Florida Commission
1993 on Tourism, and other appropriate direct-support organizations.
1994 Such contracts may be multiyear and shall include specific
1995 performance measures for each year.
1996 Section 52. Section 74.011, Florida Statutes, is amended
1997 to read:
1998 74.011 Scope.--In any eminent domain action, properly
1999 instituted by and in the name of the state; the Department of
2000 Transportation; any county, school board, municipality,
2001 expressway authority, regional water supply authority,
2002 transportation authority, flood control district, or drainage or
2003 subdrainage district; the ship canal authority; any lawfully
2004 constituted housing, port, or aviation authority; ~~the Florida~~
2005 ~~Space Authority;~~ or any rural electric cooperative, telephone
2006 cooperative corporation, or public utility corporation, the
2007 petitioner may avail itself of the provisions of this chapter to
2008 take possession and title in advance of the entry of final
2009 judgment.
2010 Section 53. Subsection (6) of section 196.012, Florida
2011 Statutes, is amended to read:
2012 196.012 Definitions.--For the purpose of this chapter, the
2013 following terms are defined as follows, except where the context
2014 clearly indicates otherwise:
2015 (6) Governmental, municipal, or public purpose or function
2016 shall be deemed to be served or performed when the lessee under

2017 any leasehold interest created in property of the United States,
2018 the state or any of its political subdivisions, or any
2019 municipality, agency, special district, authority, or other
2020 public body corporate of the state is demonstrated to perform a
2021 function or serve a governmental purpose which could properly be
2022 performed or served by an appropriate governmental unit or which
2023 is demonstrated to perform a function or serve a purpose which
2024 would otherwise be a valid subject for the allocation of public
2025 funds. For purposes of the preceding sentence, an activity
2026 undertaken by a lessee which is permitted under the terms of its
2027 lease of real property designated as an aviation area on an
2028 airport layout plan which has been approved by the Federal
2029 Aviation Administration and which real property is used for the
2030 administration, operation, business offices and activities
2031 related specifically thereto in connection with the conduct of
2032 an aircraft full service fixed base operation which provides
2033 goods and services to the general aviation public in the
2034 promotion of air commerce shall be deemed an activity which
2035 serves a governmental, municipal, or public purpose or function.
2036 Any activity undertaken by a lessee which is permitted under the
2037 terms of its lease of real property designated as a public
2038 airport as defined in s. 332.004(14) by municipalities,
2039 agencies, special districts, authorities, or other public bodies
2040 corporate and public bodies politic of the state, a spaceport as
2041 defined in s. 331.303(19), or which is located in a deepwater
2042 port identified in s. 403.021(9)(b) and owned by one of the
2043 foregoing governmental units, subject to a leasehold or other
2044 possessory interest of a nongovernmental lessee that is deemed

2045 to perform an aviation, airport, aerospace, maritime, or port
2046 purpose or operation shall be deemed an activity that serves a
2047 governmental, municipal, or public purpose. The use by a lessee,
2048 licensee, or management company of real property or a portion
2049 thereof as a convention center, visitor center, sports facility
2050 with permanent seating, concert hall, arena, stadium, park, or
2051 beach is deemed a use that serves a governmental, municipal, or
2052 public purpose or function when access to the property is open
2053 to the general public with or without a charge for admission. If
2054 property deeded to a municipality by the United States is
2055 subject to a requirement that the Federal Government, through a
2056 schedule established by the Secretary of the Interior, determine
2057 that the property is being maintained for public historic
2058 preservation, park, or recreational purposes and if those
2059 conditions are not met the property will revert back to the
2060 Federal Government, then such property shall be deemed to serve
2061 a municipal or public purpose. The term "governmental purpose"
2062 also includes a direct use of property on federal lands in
2063 connection with the Federal Government's Space Exploration
2064 Program or spaceport activities as defined in s. 212.02(22).
2065 Real property and tangible personal property owned by the
2066 Federal Government or Space Florida ~~the Florida Space Authority~~
2067 and used for defense and space exploration purposes or which is
2068 put to a use in support thereof shall be deemed to perform an
2069 essential national governmental purpose and shall be exempt.
2070 "Owned by the lessee" as used in this chapter does not include
2071 personal property, buildings, or other real property
2072 improvements used for the administration, operation, business

2073 offices and activities related specifically thereto in
2074 connection with the conduct of an aircraft full service fixed
2075 based operation which provides goods and services to the general
2076 aviation public in the promotion of air commerce provided that
2077 the real property is designated as an aviation area on an
2078 airport layout plan approved by the Federal Aviation
2079 Administration. For purposes of determination of "ownership,"
2080 buildings and other real property improvements which will revert
2081 to the airport authority or other governmental unit upon
2082 expiration of the term of the lease shall be deemed "owned" by
2083 the governmental unit and not the lessee. Providing two-way
2084 telecommunications services to the public for hire by the use of
2085 a telecommunications facility, as defined in s. 364.02(15), and
2086 for which a certificate is required under chapter 364 does not
2087 constitute an exempt use for purposes of s. 196.199, unless the
2088 telecommunications services are provided by the operator of a
2089 public-use airport, as defined in s. 332.004, for the operator's
2090 provision of telecommunications services for the airport or its
2091 tenants, concessionaires, or licensees, or unless the
2092 telecommunications services are provided by a public hospital.
2093 However, property that is being used to provide such
2094 telecommunications services on or before October 1, 1997, shall
2095 remain exempt, but such exemption expires October 1, 2004.
2096 Section 54. Subsection (22) of section 212.02, Florida
2097 Statutes, is amended to read:
2098 212.02 Definitions.--The following terms and phrases when
2099 used in this chapter have the meanings ascribed to them in this
2100 section, except where the context clearly indicates a different

2101 meaning:
2102 (22) "Spaceport activities" means activities directed or
2103 sponsored by Space Florida ~~the Florida Space Authority~~ on
2104 spaceport territory pursuant to its powers and responsibilities
2105 under the Space Florida Act ~~Florida Space Authority Act~~.
2106 Section 55. Subsection (7) of section 288.063, Florida
2107 Statutes, is amended to read:
2108 288.063 Contracts for transportation projects.--
2109 (7) For the purpose of this section, Space Florida ~~the~~
2110 ~~Florida Space Authority~~ may serve as the local government or as
2111 the contracting agency for transportation projects within
2112 spaceport territory as defined by s. 331.304.
2113 Section 56. Subsection (1) of section 288.075, Florida
2114 Statutes, is amended to read:
2115 288.075 Confidentiality of records.--
2116 (1) As used in this section, the term "economic
2117 development agency" means the Office of Tourism, Trade, and
2118 Economic Development, any industrial development authority
2119 created in accordance with part III of chapter 159 or by special
2120 law, Space Florida ~~the Florida Space Authority~~ created in part
2121 II of chapter 331, ~~the Florida Aerospace Finance Corporation~~
2122 ~~created in part III of chapter 331,~~ the public economic
2123 development agency of a county or municipality, or any research
2124 and development authority created in accordance with part V of
2125 chapter 159. The term also includes any private agency, person,
2126 partnership, corporation, or business entity when authorized by
2127 the state, a municipality, or a county to promote the general
2128 business interests or industrial interests of the state or that

2129 municipality or county.
2130 Section 57. Subsection (2) of section 288.35, Florida
2131 Statutes, is amended to read:
2132 288.35 Definitions.--The following terms, wherever used or
2133 referred to in this part, shall have the following meanings:
2134 (2) "Government agency" means the state or any county or
2135 political subdivision thereof; any state agency; any
2136 consolidated government of a county, and some or all of the
2137 municipalities located within the ~~said~~ county; any chartered
2138 municipality in the state; and any of the institutions of such
2139 consolidated governments, counties, or municipalities.
2140 Specifically included are airports, port authorities, industrial
2141 authorities, and Space Florida ~~the Florida Space Authority~~.
2142 Section 58. Subsection (2) of section 288.9415, Florida
2143 Statutes, is amended to read:
2144 288.9415 International Trade Grants.--
2145 (2) A county, municipality, economic development council,
2146 Space Florida ~~the Florida Space Authority~~, or a not-for-profit
2147 association of businesses organized to assist in the promotion
2148 of international trade may apply for a grant of state funds for
2149 the promotion of international trade.
2150 Section 59. Paragraph (j) of subsection (5) of section
2151 212.08, Florida Statutes, is amended to read:
2152 212.08 Sales, rental, use, consumption, distribution, and
2153 storage tax; specified exemptions.--The sale at retail, the
2154 rental, the use, the consumption, the distribution, and the
2155 storage to be used or consumed in this state of the following
2156 are hereby specifically exempt from the tax imposed by this

2157 chapter.
2158 (5) EXEMPTIONS; ACCOUNT OF USE.--
2159 (j) Machinery and equipment used in semiconductor,
2160 defense, or space technology production and research and
2161 development.--
2162 1.a. Industrial machinery and equipment used in
2163 semiconductor technology facilities certified under subparagraph
2164 6. to manufacture, process, compound, or produce semiconductor
2165 technology products for sale or for use by these facilities are
2166 exempt from the tax imposed by this chapter. For purposes of
2167 this paragraph, industrial machinery and equipment includes
2168 molds, dies, machine tooling, other appurtenances or accessories
2169 to machinery and equipment, testing equipment, test beds,
2170 computers, and software, whether purchased or self-fabricated,
2171 and, if self-fabricated, includes materials and labor for
2172 design, fabrication, and assembly.
2173 b. Industrial machinery and equipment used in defense or
2174 space technology facilities certified under subparagraph 6. to
2175 design, manufacture, assemble, process, compound, or produce
2176 defense technology products or space technology products for
2177 sale or for use by these facilities are exempt from ~~25 percent~~
2178 ~~of~~ the tax imposed by this chapter.
2179 2.a. Machinery and equipment are exempt from the tax
2180 imposed by this chapter if used predominately in semiconductor
2181 wafer research and development activities in a semiconductor
2182 technology research and development facility certified under
2183 subparagraph 6. For purposes of this paragraph, machinery and
2184 equipment includes molds, dies, machine tooling, other

2185 appurtenances or accessories to machinery and equipment, testing
2186 equipment, test beds, computers, and software, whether purchased
2187 or self-fabricated, and, if self-fabricated, includes materials
2188 and labor for design, fabrication, and assembly.
2189 b. Machinery and equipment are exempt from ~~25 percent of~~
2190 the tax imposed by this chapter if used predominately in defense
2191 or space research and development activities in a defense or
2192 space technology research and development facility certified
2193 under subparagraph 6.
2194 3. Building materials purchased for use in manufacturing
2195 or expanding clean rooms in semiconductor-manufacturing
2196 facilities are exempt from the tax imposed by this chapter.
2197 4. In addition to meeting the criteria mandated by
2198 subparagraph 1., subparagraph 2., or subparagraph 3., a business
2199 must be certified by the Office of Tourism, Trade, and Economic
2200 Development as authorized in this paragraph in order to qualify
2201 for exemption under this paragraph.
2202 5. For items purchased tax exempt pursuant to this
2203 paragraph, possession of a written certification from the
2204 purchaser, certifying the purchaser's entitlement to exemption
2205 pursuant to this paragraph, relieves the seller of the
2206 responsibility of collecting the tax on the sale of such items,
2207 and the department shall look solely to the purchaser for
2208 recovery of tax if it determines that the purchaser was not
2209 entitled to the exemption.
2210 6.a. To be eligible to receive the exemption provided by
2211 subparagraph 1., subparagraph 2., or subparagraph 3., a
2212 qualifying business entity shall apply to Enterprise Florida,

2213 Inc. The application shall be developed by the Office of
2214 Tourism, Trade, and Economic Development in consultation with
2215 Enterprise Florida, Inc.
2216 b. Enterprise Florida, Inc., shall review each submitted
2217 application and information and determine whether or not the
2218 application is complete within 5 working days. Once an
2219 application is complete, Enterprise Florida, Inc., shall, within
2220 10 working days, evaluate the application and recommend approval
2221 or disapproval of the application to the Office of Tourism,
2222 Trade, and Economic Development.
2223 c. Upon receipt of the application and recommendation from
2224 Enterprise Florida, Inc., the Office of Tourism, Trade, and
2225 Economic Development shall certify within 5 working days those
2226 applicants who are found to meet the requirements of this
2227 section and notify the applicant, Enterprise Florida, Inc., and
2228 the department of the certification. If the Office of Tourism,
2229 Trade, and Economic Development finds that the applicant does
2230 not meet the requirements of this section, it shall notify the
2231 applicant and Enterprise Florida, Inc., within 10 working days
2232 that the application for certification has been denied and the
2233 reasons for denial. The Office of Tourism, Trade, and Economic
2234 Development has final approval authority for certification under
2235 this section.
2236 7.a. A business may apply once each year for the
2237 exemption.
2238 b. The application must indicate, for program evaluation
2239 purposes only, the average number of full-time equivalent
2240 employees at the facility over the preceding calendar year, the

2241 average wage and benefits paid to those employees over the
2242 preceding calendar year, the total investment made in real and
2243 tangible personal property over the preceding calendar year, and
2244 the total value of tax-exempt purchases and taxes exempted
2245 during the previous year. The department shall assist the Office
2246 of Tourism, Trade, and Economic Development in evaluating and
2247 verifying information provided in the application for exemption.
2248 c. The Office of Tourism, Trade, and Economic Development
2249 may use the information reported on the application for
2250 evaluation purposes only and shall prepare an annual report on
2251 the exemption program and its cost and impact. The annual report
2252 for the preceding fiscal year shall be submitted to the
2253 Governor, the President of the Senate, and the Speaker of the
2254 House of Representatives by September 30 of each fiscal year.
2255 8. A business certified to receive this exemption may
2256 elect to designate one or more state universities or community
2257 colleges as recipients of up to 100 percent of the amount of the
2258 exemption for which they may qualify. To receive these funds,
2259 the institution must agree to match the funds so earned with
2260 equivalent cash, programs, services, or other in-kind support on
2261 a one-to-one basis in the pursuit of research and development
2262 projects as requested by the certified business. The rights to
2263 any patents, royalties, or real or intellectual property must be
2264 vested in the business unless otherwise agreed to by the
2265 business and the university or community college.
2266 9. As used in this paragraph, the term:
2267 a. "Predominately" means at least 50 percent of the time
2268 in qualifying research and development.

2269 b. "Research and development" means basic and applied
2270 research in the science or engineering, as well as the design,
2271 development, and testing, of prototypes or processes of new or
2272 improved products, including the design, development, and
2273 testing of space launch vehicles, space flight vehicles,
2274 missiles, satellites, or research payloads, avionics, and
2275 associated control systems and processing systems, and
2276 components of any of the foregoing. Research and development
2277 does not include market research, routine consumer product
2278 testing, sales research, research in the social sciences or
2279 psychology, or similar nontechnological activities~~,~~ or ~~technical~~
2280 services.
2281 c. "Semiconductor technology products" means raw
2282 semiconductor wafers or semiconductor thin films that are
2283 transformed into semiconductor memory or logic wafers, including
2284 wafers containing mixed memory and logic circuits; related
2285 assembly and test operations; active-matrix flat panel displays;
2286 semiconductor chips; semiconductor lasers; optoelectronic
2287 elements; and related semiconductor technology products as
2288 determined by the Office of Tourism, Trade, and Economic
2289 Development.
2290 d. "Clean rooms" means manufacturing facilities enclosed
2291 in a manner that meets the clean manufacturing requirements
2292 necessary for high-technology semiconductor-manufacturing
2293 environments.
2294 e. "Defense technology products" means products that have
2295 a military application, including, but not limited to, weapons,
2296 weapons systems, guidance systems, surveillance systems,

2297 communications or information systems, munitions, aircraft,
2298 vessels, or boats, or components thereof, which are intended for
2299 military use and manufactured in performance of a contract with
2300 the United States Department of Defense or the military branch
2301 of a recognized foreign government or a subcontract thereunder
2302 which relates to matters of national defense.
2303 f. "Space technology products" means products that are
2304 specifically designed or manufactured for application in space
2305 activities, including, but not limited to, space launch
2306 vehicles, space flight vehicles, missiles, satellites or
2307 research payloads, avionics, and associated control systems and
2308 processing systems and components of any of the foregoing. The
2309 term does not include products that are designed or manufactured
2310 for general commercial aviation or other uses even though those
2311 products may also serve an incidental use in space applications.
2312 Section 60. Paragraph (d) of subsection (6) of section
2313 212.20, Florida Statutes, is amended to read:
2314 212.20 Funds collected, disposition; additional powers of
2315 department; operational expense; refund of taxes adjudicated
2316 unconstitutionally collected.--
2317 (6) Distribution of all proceeds under this chapter and s.
2318 202.18(1)(b) and (2)(b) shall be as follows:
2319 (d) The proceeds of all other taxes and fees imposed
2320 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
2321 and (2)(b) shall be distributed as follows:
2322 1. In any fiscal year, the greater of $500 million, minus
2323 an amount equal to 4.6 percent of the proceeds of the taxes
2324 collected pursuant to chapter 201, or 5 percent of all other

2325 taxes and fees imposed pursuant to this chapter or remitted
2326 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
2327 monthly installments into the General Revenue Fund.
2328 2. Two-tenths of one percent shall be transferred to the
2329 Ecosystem Management and Restoration Trust Fund to be used for
2330 water quality improvement and water restoration projects.
2331 3. After the distribution under subparagraphs 1. and 2.,
2332 8.814 percent of the amount remitted by a sales tax dealer
2333 located within a participating county pursuant to s. 218.61
2334 shall be transferred into the Local Government Half-cent Sales
2335 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
2336 be transferred pursuant to this subparagraph to the Local
2337 Government Half-cent Sales Tax Clearing Trust Fund shall be
2338 reduced by 0.1 percent, and the department shall distribute this
2339 amount to the Public Employees Relations Commission Trust Fund
2340 less $5,000 each month, which shall be added to the amount
2341 calculated in subparagraph 4. and distributed accordingly.
2342 4. After the distribution under subparagraphs 1., 2., and
2343 3., 0.095 percent shall be transferred to the Local Government
2344 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
2345 to s. 218.65.
2346 5. After the distributions under subparagraphs 1., 2., 3.,
2347 and 4., 2.0440 percent of the available proceeds pursuant to
2348 this paragraph shall be transferred monthly to the Revenue
2349 Sharing Trust Fund for Counties pursuant to s. 218.215.
2350 6. After the distributions under subparagraphs 1., 2., 3.,
2351 and 4., 1.3409 percent of the available proceeds pursuant to
2352 this paragraph shall be transferred monthly to the Revenue

2353 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
2354 the total revenue to be distributed pursuant to this
2355 subparagraph is at least as great as the amount due from the
2356 Revenue Sharing Trust Fund for Municipalities and the former
2357 Municipal Financial Assistance Trust Fund in state fiscal year
2358 1999-2000, no municipality shall receive less than the amount
2359 due from the Revenue Sharing Trust Fund for Municipalities and
2360 the former Municipal Financial Assistance Trust Fund in state
2361 fiscal year 1999-2000. If the total proceeds to be distributed
2362 are less than the amount received in combination from the
2363 Revenue Sharing Trust Fund for Municipalities and the former
2364 Municipal Financial Assistance Trust Fund in state fiscal year
2365 1999-2000, each municipality shall receive an amount
2366 proportionate to the amount it was due in state fiscal year
2367 1999-2000.
2368 7. Of the remaining proceeds:
2369 a. In each fiscal year, the sum of $29,915,500 shall be
2370 divided into as many equal parts as there are counties in the
2371 state, and one part shall be distributed to each county. The
2372 distribution among the several counties shall begin each fiscal
2373 year on or before January 5th and shall continue monthly for a
2374 total of 4 months. If a local or special law required that any
2375 moneys accruing to a county in fiscal year 1999-2000 under the
2376 then-existing provisions of s. 550.135 be paid directly to the
2377 district school board, special district, or a municipal
2378 government, such payment shall continue until such time that the
2379 local or special law is amended or repealed. The state covenants
2380 with holders of bonds or other instruments of indebtedness

2381 issued by local governments, special districts, or district
2382 school boards prior to July 1, 2000, that it is not the intent
2383 of this subparagraph to adversely affect the rights of those
2384 holders or relieve local governments, special districts, or
2385 district school boards of the duty to meet their obligations as
2386 a result of previous pledges or assignments or trusts entered
2387 into which obligated funds received from the distribution to
2388 county governments under then-existing s. 550.135. This
2389 distribution specifically is in lieu of funds distributed under
2390 s. 550.135 prior to July 1, 2000.
2391 b. The department shall distribute $166,667 monthly
2392 pursuant to s. 288.1162 to each applicant that has been
2393 certified as a "facility for a new professional sports
2394 franchise" or a "facility for a retained professional sports
2395 franchise" pursuant to s. 288.1162. Up to $41,667 shall be
2396 distributed monthly by the department to each applicant that has
2397 been certified as a "facility for a retained spring training
2398 franchise" pursuant to s. 288.1162; however, not more than
2399 $208,335 may be distributed monthly in the aggregate to all
2400 certified facilities for a retained spring training franchise.
2401 Distributions shall begin 60 days following such certification
2402 and shall continue for not more than 30 years. Nothing contained
2403 in this paragraph shall be construed to allow an applicant
2404 certified pursuant to s. 288.1162 to receive more in
2405 distributions than actually expended by the applicant for the
2406 public purposes provided for in s. 288.1162(6). However, a
2407 certified applicant is entitled to receive distributions up to
2408 the maximum amount allowable and undistributed under this

2409 section for additional renovations and improvements to the
2410 facility for the franchise without additional certification.
2411 c. Beginning 30 days after notice by the Office of
2412 Tourism, Trade, and Economic Development to the Department of
2413 Revenue that an applicant has been certified as the professional
2414 golf hall of fame pursuant to s. 288.1168 and is open to the
2415 public, $166,667 shall be distributed monthly, for up to 300
2416 months, to the applicant.
2417 d. Beginning 30 days after notice by the Office of
2418 Tourism, Trade, and Economic Development to the Department of
2419 Revenue that the applicant has been certified as the
2420 International Game Fish Association World Center facility
2421 pursuant to s. 288.1169, and the facility is open to the public,
2422 $83,333 shall be distributed monthly, for up to 168 months, to
2423 the applicant. This distribution is subject to reduction
2424 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
2425 made, after certification and before July 1, 2000.
2426 e. Every dealer conducting business at a fixed location at
2427 the John F. Kennedy Space Center or Cape Canaveral Air Force
2428 Station and selling admissions to the John F. Kennedy Space
2429 Center or Cape Canaveral Air Force Station, or any part of
2430 either location, under a contract with the National Aeronautics
2431 and Space Administration or under a subcontract to such
2432 contract, shall file returns each month in accordance with this
2433 sub-subparagraph. Each dealer must file a separate return each
2434 month which reports, separately from any other sales and use
2435 taxes due under this chapter, the sale of admissions to the John
2436 F. Kennedy Space Center or Cape Canaveral Air Force Station or

2437 any part of the facilities or to any event held at either
2438 location, together with sales at retail of tangible personal
2439 property from such fixed place of business, and leases and
2440 licenses by the dealer at the John F. Kennedy Space Center or
2441 Cape Canaveral Air Force Station taxable under s. 212.031, and
2442 the taxes collected by the dealer with respect to such
2443 admissions, leases, licenses, and sales. All amounts due under
2444 this chapter with respect to these transactions shall be timely
2445 remitted to the department. The dealer shall simultaneously file
2446 a copy of the return with Space Florida and a copy with the
2447 director of the Office of Tourism, Trade, and Economic
2448 Development, all of which return copies and information
2449 contained in such copies are subject to the same confidentiality
2450 provisions as are applicable to returns and information filed
2451 with the department under s. 213.053. Each month the department
2452 shall distribute to Space Florida all such proceeds collected
2453 and remitted to the department as shown on the returns required
2454 by this sub-subparagraph. However, the monthly distributions may
2455 not include proceeds of discretionary surtaxes due under this
2456 chapter. The proceeds of the monthly distributions shall be
2457 expended for aerospace education projects authorized in s.
2458 331.305. If the department collects any additional amounts under
2459 this chapter with respect to any transactions for which a
2460 separate return is required by this sub-subparagraph, no later
2461 than 30 days after the collection, the proceeds shall be
2462 distributed by the department to Space Florida for the uses
2463 specified in this sub-subparagraph. This sub-subparagraph does
2464 not affect any dealer's liability for other taxes imposed by and

2465 due under this chapter.
2466 8. All other proceeds shall remain with the General
2467 Revenue Fund.
2468 Section 61. Section 1004.86, Florida Statutes, is created
2469 to read:
2470 1004.86 Florida Center for Mathematics and Science
2471 Education Research.--
2472 (1) The Department of Education shall establish at a
2473 public state university the Florida Center for Mathematics and
2474 Science Education Research to increase student achievement in
2475 science and mathematics. The center shall:
2476 (a) Provide technical assistance and support to school
2477 districts and schools in the development and implementation of
2478 mathematics and science instruction.
2479 (b) Conduct applied research on policy and practices
2480 related to mathematics and science instruction and assessment in
2481 the state.
2482 (c) Conduct or compile basic research regarding student
2483 acquisition of mathematics and science knowledge and skills.
2484 (d) Develop comprehensive course frameworks for
2485 mathematics and science courses that emphasize rigor and
2486 relevance at the elementary, middle, and high school levels.
2487 (e) Disseminate information regarding research-based
2488 teaching practices in mathematics and science to teachers and
2489 teacher educators in the state.
2490 (f) Collect, manage, and report on assessment information
2491 regarding student achievement in mathematics and science.
2492 (g) Establish partnerships with state universities,

2493 community colleges, and school districts.
2494 (h) Collaborate with the Florida Center for Reading
2495 Research in order to provide research-based practices that
2496 integrate the teaching of reading within mathematics and
2497 sciences courses.
2498 (2) The department shall monitor the center through the
2499 Division of K-12 Public Schools.
2500 Section 62. Sections 331.314, 331.367, 331.368, 331.401,
2501 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417,
2502 and 331.419, Florida Statutes, are repealed.
2503 Section 63. The Florida Space Authority, the Florida Space
2504 Research Institute, and the Florida Aerospace Finance
2505 Corporation are dissolved effective September 1, 2006. Space
2506 Florida, as created by this act, is the successor organization
2507 to, and as such shall assume the records, property, obligations,
2508 and unexpended balances of appropriations, allocations, or other
2509 funds of, the Florida Space Authority, the Florida Space
2510 Research Institute, and the Florida Aerospace Finance
2511 Corporation.
2512 Section 64. The Governor, the President of the Senate, and
2513 the Speaker of the House of Representatives shall appoint the
2514 board of directors of Space Florida no later than July 1, 2006.
2515 The board of directors of Space Florida shall hold its first
2516 meeting no later than August 1, 2006. The board of directors of
2517 Space Florida shall appoint a president no later than September
2518 1, 2006. The Executive Office of the Governor shall provide
2519 staffing, and transitional support to Space Florida until
2520 December 31, 2006.

2521 Section 65. Subsection (12) is added to section 288.1224,
2522 Florida Statutes, to read:
2523 288.1224 Powers and duties.--The commission:
2524 (12) Shall enter into a memorandum of agreement with Space
2525 Florida and Enterprise Florida, Inc., to develop a public
2526 advertising program promoting aerospace-related activities,
2527 businesses, or any Space Florida project.
2528 Section 66. Subsections (7) and (8) are added to section
2529 288.9015, Florida Statutes, to read:
2530 288.9015 Enterprise Florida, Inc.; purpose; duties.--
2531 (7) Enterprise Florida, Inc., shall enter into a
2532 memorandum of agreement with Space Florida to:
2533 (a) Develop a plan to retain, expand, attract, and create
2534 aerospace industry entities, public or private, which result in
2535 the creation of high-value-added businesses and jobs in this
2536 state.
2537 (b) Develop a plan to assist in the financing of aerospace
2538 businesses.
2539 (8) Enterprise Florida, Inc., shall enter into a
2540 memorandum of agreement with Space Florida and the Florida
2541 Commission on Tourism and its direct-support organization to
2542 develop a public advertising program promoting aerospace-related
2543 activities, businesses, and any Space Florida project.
2544 Section 67. Subsection (12) is added to section 445.004,
2545 Florida Statutes, to read:
2546 445.004 Workforce Florida, Inc.; creation; purpose;
2547 membership; duties and powers.--
2548 (12) Workforce Florida, Inc., shall enter into a

2549 memorandum of agreement with Space Florida, and collaborate with
2550 Florida vocational institutes, community colleges, colleges, and
2551 universities, to develop a workforce development strategy to
2552 implement s. 331.3051.
2553 Section 68. Subsection (17) is added to section 1001.10,
2554 Florida Statutes, read:
2555 1001.10 Commissioner of Education; general powers and
2556 duties.--The Commissioner of Education is the chief educational
2557 officer of the state, and is responsible for giving full
2558 assistance to the State Board of Education in enforcing
2559 compliance with the mission and goals of the seamless K-20
2560 education system. To facilitate innovative practices and to
2561 allow local selection of educational methods, the State Board of
2562 Education may authorize the commissioner to waive, upon the
2563 request of a district school board, State Board of Education
2564 rules that relate to district school instruction and school
2565 operations, except those rules pertaining to civil rights, and
2566 student health, safety, and welfare. The Commissioner of
2567 Education is not authorized to grant waivers for any provisions
2568 in rule pertaining to the allocation and appropriation of state
2569 and local funds for public education; the election,
2570 compensation, and organization of school board members and
2571 superintendents; graduation and state accountability standards;
2572 financial reporting requirements; reporting of out-of-field
2573 teaching assignments under s. 1012.42; public meetings; public
2574 records; or due process hearings governed by chapter 120. No
2575 later than January 1 of each year, the commissioner shall report
2576 to the Legislature and the State Board of Education all approved

2577 waiver requests in the preceding year. Additionally, the
2578 commissioner has the following general powers and duties:
2579 (17) To enter into a memorandum of agreement with Space
2580 Florida to develop innovative aerospace-related education
2581 programs that promote mathematics and science education for
2582 grades K-20.
2583
2584 The commissioner's office shall operate all statewide functions
2585 necessary to support the State Board of Education and the K-20
2586 education system, including strategic planning and budget
2587 development, general administration, and assessment and
2588 accountability.
2589 Section 69. This act shall take effect upon becoming a
2590 law.

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: Spaceport & Technology
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
19 and leadership of a single, private-public board, this state has
20 the opportunity to strengthen its existing leadership in civil
21 and military aerospace activity and emerge as a leader in the
22 nation's new vision for space exploration and commercial

23 aerospace opportunities, including the integration of space,
24 aeronautics, and aviation technologies. As the leading location
25 for talent, research, advanced technologies and systems
26 development, launch, and other aerospace-based industry
27 activities, this state can position itself for sustainable
28 economic growth and prosperity.
29 (2) The Legislature finds that attaining this vision
30 requires a strong public and private commitment to a world class
31 aerospace industry. It is the intent of the Legislature that
32 Space Florida will encourage the public and private sectors to
33 work together to implement an aggressive strategy that enhances
34 the state's workforce, education, and research capabilities,
35 with emphasis on mathematics, science, engineering, and related
36 fields; will focus on the state's economic development efforts
37 in order to capture a larger share of activity in aerospace
38 research, technology, production, and commercial operations,
39 while maintaining the state's historical leadership in space
40 launch activities; and will preserve the unique national role
41 served by the Cape Canaveral Air Force Station and Kennedy Space
42 Center by reducing costs and improving the regulatory
43 flexibility for commercial sector launches while pursuing the
44 development of sites for commercial horizontal 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 and incorporated as a public
58 corporation, body politic, and subdivision of the state to
59 foster the growth and development of a sustainable and world-
60 leading aerospace industry in this state. Space Florida shall
61 promote aerospace business development by facilitating business
62 financing, spaceport operations, research and development,
63 workforce development, and innovative education programs. Space
64 Florida 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. ~~"Authority" means~~
85 ~~the Florida Space Authority created by this act.~~
86 (2) "Board" or "board of directors ~~supervisors~~" means the
87 governing body of Space Florida ~~the authority~~.
88 (3) "Bonds" means revenue bonds, assessment bonds, or
89 other bonds or obligations issued by Space Florida ~~the authority~~
90 for the purpose of raising financing for its projects.
91 (4) "Business client" means any person, other than a state
92 official or state employee, who receives the services of, or is
93 the subject of solicitation by, representatives of Space Florida
94 ~~the authority~~ in connection with the performance of its
95 statutory duties, including purchasers or prospective purchasers
96 of Space Florida ~~authority~~ services, persons or representatives
97 of firms considering or being solicited for investment in Space
98 Florida ~~authority~~ projects, persons or representatives of firms
99 considering or being solicited for location, relocation, or
100 expansion of an aerospace-related business within the state, and
101 business, financial, or other persons connected with the
102 aerospace industry.
103 ~~(5) "Complementary activity" means any space business~~
104 ~~incubator, space tourism activity, educational involvement in an~~
105 ~~incubator, or space tourism and space-related research and~~
106 ~~development.~~
107 ~~(6) "Conduit bond" means any bond of the authority which~~
108 ~~is a nonrecourse obligation of the authority payable from the~~
109 ~~proceeds of such bonds and related financing agreements.~~
110 (5)~~(7)~~ "Cost" means all costs, fees, charges, expenses,
111 and amounts associated with the development of projects by Space
112 Florida ~~the authority~~.
113 (6)~~(8)~~ "Entertainment expenses" means the actual,
114 necessary, and reasonable costs of providing hospitality for

115 business clients or guests, which costs are defined and
116 prescribed by rules adopted by Space Florida ~~the authority~~,
117 subject to approval by the Chief Financial Officer.
118 ~~(9) "Federal aid" means any property, funding, or other~~
119 ~~financial assistance provided by the Federal Government to the~~
120 ~~authority for its projects.~~
121 (7)~~(10)~~ "Financing agreement" means a lease, lease-
122 purchase agreement, lease with option to purchase, sale or
123 installment sale agreement, whether title passes in whole or in
124 part at any time before ~~prior to~~, at, or after completion of the
125 project, loan agreement, or other agreement forming the basis
126 for the financing under this act, including any agreements,
127 guarantees, or security instruments forming part of or related
128 to providing assurance of payment of the obligations under the
129 ~~such~~ financing agreement.
130 (8)~~(11)~~ "Guest" means a person, other than a state
131 official or state employee, authorized by the board or its
132 designee to receive the hospitality of Space Florida ~~the~~
133 ~~authority~~ in connection with the performance of its statutory
134 duties.
135 (9)~~(12)~~ "Landing area" means the geographical area
136 designated by Space Florida ~~the authority~~ within the spaceport
137 territory for or intended for the landing and surface
138 maneuvering of any launch or other space vehicle.
139 (10)~~(13)~~ "Launch pad" means any launch pad, runway,
140 airstrip, or similar facility used ~~by the spaceport or spaceport~~
141 ~~user~~ for launching ~~of~~ space vehicles.
142 (11)~~(14)~~ "Payload" means any property or cargo to be
143 transported aboard any vehicle launched by or from the
144 spaceport.

145 (12)~~(15)~~ "Person" means any individual, child, community
146 college, college, university, firm, association, joint venture,
147 partnership, estate, trust, business trust, syndicate,
148 fiduciary, corporation, nation, government (federal, state, or
149 local), agency (government or other), subdivision of the state,
150 municipality, county, business entity, or any other group or
151 combination.
152 (13)~~(16)~~ "Project" means any development, improvement,
153 property, launch, utility, facility, system, works, road,
154 sidewalk, enterprise, service, or convenience, which may include
155 coordination with state partners or agencies ~~Enterprise Florida,~~
156 ~~Inc., the Board of Education, the Florida Aerospace Finance~~
157 ~~Corporation, and the Florida Space Research Institute~~; any
158 rocket, capsule, module, launch facility, assembly facility,
159 operations or control facility, tracking facility,
160 administrative facility, or any other type of aerospace-related
161 transportation vehicle, station, or facility; any type of
162 equipment or instrument to be used or useful in connection with
163 any of the foregoing; any type of intellectual property and
164 intellectual property protection in connection with any of the
165 foregoing including, without limitation, any patent, copyright,
166 trademark, and service mark for, among other things, computer
167 software; any water, wastewater, gas, or electric utility
168 system, plant, or distribution or collection system; any small
169 business incubator initiative, including any startup aerospace
170 company, and any aerospace business proposing to expand or
171 locate its business in this state, research and development
172 company, research and development facility, education and
173 workforce training facility, storage facility, and consulting
174 service; or any tourism initiative, including any space
175 experience attraction, microgravity flight program, aerospace

176 space-launch-related activity, and space museum sponsored or
177 promoted by Space Florida ~~the authority~~.
178 (14)~~(17)~~ "Range" means the geographical area designated by
179 Space Florida ~~the authority~~ or other appropriate body as the
180 area for the launching of rockets, missiles, launch vehicles,
181 and other vehicles designed to reach high altitude.
182 (15)~~(18)~~ "Recovery" means the recovery of space vehicles
183 and payloads which have been launched from or by a ~~the~~
184 spaceport.
185 (16)~~(19)~~ "Spaceport" means any area of land or water, or
186 any manmade object or facility located therein, developed by
187 Space Florida ~~the authority~~ under this act, which area is
188 intended for public use or for the launching, takeoff, and
189 landing of spacecraft and aircraft, and includes any appurtenant
190 areas which are used or intended for public use, for spaceport
191 buildings, or for other spaceport facilities, spaceport
192 projects, or rights-of-way.
193 ~~(20) "Spaceport Florida" means the authority or its~~
194 ~~facilities and projects.~~
195 (17)~~(21)~~ "Spaceport launch facilities" means ~~shall be~~
196 ~~defined as~~ industrial facilities as described in ~~accordance with~~
197 s. 380.0651(3)(c) and include any launch pad, launch control
198 center, and fixed launch-support equipment.
199 ~~(22) "Spaceport system" means the programs, organizations,~~
200 ~~and infrastructure developed by the authority for the~~
201 ~~development of facilities or activities to enhance and provide~~
202 ~~commercial space-related development opportunities for business,~~
203 ~~education, and government within the state.~~
204 (18)~~(23)~~ "Spaceport territory" means the geographical area
205 designated in s. 331.304 and as amended or changed in accordance
206 with s. 331.329.

207 (19) ~~(24)~~ "Spaceport user" means any person who uses the
208 facilities or services of any spaceport; and, for the purposes
209 of any exemptions or rights granted under this act, the ~~said~~
210 spaceport user shall be deemed a spaceport user only during the
211 time period in which the ~~such~~ person has in effect a contract,
212 memorandum of understanding, or agreement with the spaceport,
213 and such rights and exemptions shall be granted with respect to
214 transactions relating only to spaceport projects.
215 (20) ~~(25)~~ "Travel expenses" means the actual, necessary,
216 and reasonable costs of transportation, meals, lodging, and
217 incidental expenses normally incurred by a traveler, which costs
218 are defined and prescribed by rules adopted by Space Florida ~~the~~
219 ~~authority~~, subject to approval by the Chief Financial Officer.
220 (21) ~~(26)~~ "Spaceport discretionary capacity improvement
221 projects" means capacity improvements that enhance space
222 transportation capacity at spaceports that have had one or more
223 orbital or suborbital flights during the previous calendar year
224 or have an agreement in writing for installation of one or more
225 regularly scheduled orbital or suborbital flights upon the
226 commitment of funds for stipulated spaceport capital
227 improvements.
228 Section 5. Section 331.305, Florida Statutes, is amended
229 to read:
230 331.305 Powers of Space Florida ~~the authority~~.--Space
231 Florida may ~~The authority shall have the power to~~:
232 (1) Exercise all powers granted to corporations under the
233 Florida Business Corporation Act, chapter 607.
234 (2) Sue and be sued by its name in any court of law or in
235 equity.
236 (3) Adopt and use a corporate seal and alter the same at
237 pleasure.

238 ~~(4) Review and make recommendations with respect to a~~
239 ~~strategy to guide and facilitate the future of space-related~~
240 ~~educational and commercial development. The authority shall in~~
241 ~~coordination with the Federal Government, private industry, and~~
242 ~~Florida universities develop a business plan which shall address~~
243 ~~the expansion of Spaceport Florida locations, space launch~~
244 ~~capacity, spaceport projects, and complementary activities,~~
245 ~~which shall include, but not be limited to, a detailed analysis~~
246 ~~of:~~
247 ~~(a) The authority and the commercial space industry.~~
248 ~~(b) Products, services description--potential,~~
249 ~~technologies, skills.~~
250 ~~(c) Market research and evaluation--customers,~~
251 ~~competition, economics.~~
252 ~~(d) Marketing plan and strategy.~~
253 ~~(e) Design and development plan--tasks, difficulties,~~
254 ~~costs.~~
255 ~~(f) Manufacturing locations, facilities, and operations~~
256 ~~plan.~~
257 ~~(g) Management organization--roles and responsibilities.~~
258 ~~(h) Overall schedule (monthly).~~
259 ~~(i) Important risks, assumptions, and problems.~~
260 ~~(j) Community impact--economic, human development,~~
261 ~~community development.~~
262 ~~(k) Financial plan (monthly for first year; quarterly for~~
263 ~~next 3 years).~~
264 ~~(l) Proposed authority offering--financing,~~
265 ~~capitalization, use of funds.~~
266 (4) ~~(5)~~ Acquire property, real, personal, intangible,
267 tangible, or mixed, within or without its territorial limits, in
268 fee simple or any lesser interest or estate, by purchase, gift,

269 devise, or lease, on such terms and conditions as the board may
270 deem necessary or desirable, and sell or otherwise dispose of
271 the same and of any of the assets and properties of Space
272 Florida ~~the authority~~.
273 (5) ~~(6)~~ Make and execute any and all contracts and other
274 instruments necessary or convenient to the exercise of its
275 powers, including financing agreements with persons or spaceport
276 users to facilitate the financing, construction, leasing, or
277 sale of any project.
278 (6) ~~(7)~~ Whenever deemed necessary by the board, lease as
279 lessor or lessee to or from any person, public or private, any
280 facilities or property for the use of Space Florida ~~the~~
281 ~~authority~~ and carry out any of the purposes of Space Florida ~~the~~
282 ~~authority~~.
283 ~~(8) Appoint, through its board of supervisors, an~~
284 ~~executive director.~~
285 (7) ~~(9)~~ Own, acquire, construct, develop, create,
286 reconstruct, equip, operate, maintain, extend, and improve
287 launch pads, landing areas, ranges, payload assembly buildings,
288 payload processing facilities, laboratories, aerospace business
289 incubators, launch vehicles, payloads, space flight hardware,
290 facilities and equipment for the construction of payloads, space
291 flight hardware, rockets, and other launch vehicles, and other
292 spaceport facilities and other aerospace-related systems,
293 including educational, cultural, and parking facilities and
294 space-related initiatives.
295 (8) Insure, coinsure, lend, and guarantee loans and to
296 originate for sale direct aerospace-related loans, pursuant to
297 criteria, bylaws, policies, and procedures adopted by the board.

298 (9) Capitalize, underwrite, and secure funding for
299 aerospace infrastructure, satellites, launch vehicles, and any
300 service that supports aerospace launches.
301 (10) Construct, lease, or sell aerospace infrastructure,
302 satellites, launch vehicles, and any other related activities
303 and services.
304 (11) Acquire, accept, or administer grants, contracts, and
305 fees from other organizations to perform activities that are
306 consistent with the purposes of this section and s. 331.3051.
307 ~~(10) Undertake a program of advertising to the public~~
308 ~~promoting space-related businesses or any spaceport projects of~~
309 ~~the authority, and expend moneys and undertake such activities~~
310 ~~to carry out such advertising and promotional program as the~~
311 ~~board from time to time may determine.~~
312 (12)~~(11)~~ Own, acquire, construct, reconstruct, equip,
313 operate, maintain, extend, or ~~and~~ improve transportation
314 facilities appropriate to meet the transportation requirements
315 of Space Florida ~~the authority~~ and activities conducted within
316 ~~the~~ spaceport territory.
317 (13)~~(12)~~ Own, acquire, construct, reconstruct, equip,
318 operate, maintain, extend, or ~~and~~ improve electric power plants,
319 transmission lines and related facilities, gas mains and
320 facilities of any nature for the production or distribution of
321 natural gas, transmission lines and related facilities and
322 plants and facilities for the generation and transmission of
323 power through traditional and new and experimental sources of
324 power and energy; purchase electric power, natural gas, and
325 other sources of power for distribution within any spaceport
326 territory; develop and operate water and sewer systems and waste
327 collection and disposal consistent with chapter 88-130, Laws of
328 Florida; and develop and operate such new and experimental

329 public utilities, including, but not limited to, centrally
330 distributed heating and air-conditioning facilities and
331 services, closed-circuit television systems, and computer
332 services and facilities, as the board may from time to time
333 determine. However, Space Florida may ~~the authority shall~~ not
334 construct any system, work, project, or utility authorized to be
335 constructed under this paragraph in the event that a system,
336 work, project, or utility of a similar character is being
337 actually operated by a municipality or private company in the
338 municipality or territory adjacent thereto, unless such
339 municipality or private company consents to such construction.
340 (14) ~~(13)~~ Designate, set aside, and maintain lands and
341 areas within or without the territorial limits of any spaceport
342 territory as conservation areas or bird and wildlife
343 sanctuaries; stock such areas with animal and plant life and
344 stock water areas with fish and other aquatic life; adopt
345 pursuant to ss. 120.536(1) and 120.54 ~~promulgate~~ and enforce
346 rules ~~and regulations~~ with respect thereto and protect and
347 preserve the natural beauty thereof; and do all acts necessary
348 or desirable in order to qualify such lands and areas as
349 conservation areas and sanctuaries under any of the laws of the
350 state or under federal law.
351 (15) ~~(14)~~ Establish a program for the control, abatement,
352 and elimination of mosquitoes and other noxious insects,
353 rodents, reptiles, and other pests throughout the spaceport
354 territory and undertake such works and construct such facilities
355 within or without the spaceport territory as may be determined
356 by the board to be needed to effectuate such program; abate and
357 suppress mosquitoes and other arthropods, whether disease-
358 bearing or pestiferous, within any spaceport territory when in
359 the judgment of the board such action is necessary or desirable

360 for the health and welfare of the inhabitants of or visitors to
361 any spaceport; and take any and all temporary or permanent
362 eliminative measures that the board may deem advisable. The
363 Legislature hereby finds and declares Space Florida ~~the~~
364 ~~authority~~ eligible to receive state funds, supplies, services,
365 and equipment available or that may in the future become
366 available to mosquito or pest control districts, the provisions
367 of s. 388.021 notwithstanding.
368 (16) ~~(15)~~ Subject to the rules and regulations of the
369 appropriate water management district, own, acquire, construct,
370 reconstruct, equip, maintain, operate, extend, and improve water
371 and flood control facilities. The Legislature hereby finds and
372 declares Space Florida ~~the authority~~ eligible to receive moneys,
373 disbursements, and assistance from the state available to flood
374 control or water management districts and navigation districts
375 or agencies.
376 (17) ~~(16)~~ Own, acquire, construct, reconstruct, equip,
377 maintain, operate, extend, and improve public safety facilities
378 for the spaceport, including security stations, security
379 vehicles, fire stations, water mains and plugs, and fire trucks
380 and other vehicles and equipment; hire employees, security
381 officers, and firefighters; and undertake such works and
382 construct such facilities determined by the board to be
383 necessary or desirable to promote and ensure public safety
384 within the spaceport territory.
385 (18) ~~(17)~~ Hire, through its president ~~executive director~~, a
386 safety officer with substantial experience in public safety
387 procedures and programs for space vehicle launching and related
388 hazardous operations. The safety officer shall monitor and
389 report on the safety and hazards of ground-based space
390 operations to the president ~~executive director~~.

391 ~~(18) Establish a personnel management system for hiring~~
392 ~~employees and setting employee benefit packages. The personnel~~
393 ~~of the authority shall not be considered to be within the state~~
394 ~~employment system.~~
395 ~~(19) Establish procedures, rules, and rates governing per~~
396 ~~diem and travel expenses of its employees, the members of the~~
397 ~~board of supervisors, and other persons authorized by the board~~
398 ~~to incur such expenses. Except as otherwise provided in s.~~
399 ~~331.3101, such rules are subject to provisions of state law or~~
400 ~~rules pertaining to per diem and travel expenses of public~~
401 ~~officers, employees, or other persons authorized by an agency~~
402 ~~head to incur such expenses.~~
403 (19) ~~(20)~~ Examine, develop, and use ~~utilize~~ new concepts,
404 designs, and ideas; own, acquire, construct, reconstruct, equip,
405 operate, maintain, extend, and improve experimental spaceport
406 facilities and services; and otherwise undertake, sponsor,
407 finance, and maintain such research activities, experimentation,
408 and development as the board may from time to time determine, in
409 connection with any of the projects that Space Florida ~~the~~
410 ~~authority~~ is authorized to undertake pursuant to the powers and
411 authority vested in it by this act, and in order to promote the
412 development and utilization of new concepts, designs, and ideas
413 in the fields of space exploration, commercialization of the
414 space industry, and spaceport facilities.
415 (20) ~~(21)~~ Issue revenue bonds, assessment bonds, or any
416 other bonds or obligations authorized by the provisions of this
417 act or any other law, or any combination of the foregoing, and
418 pay all or part of the cost of the acquisition, construction,
419 reconstruction, extension, repair, improvement, or maintenance
420 of any project or combination of projects, including payloads
421 and space flight hardware, and equipment for research,

422 development, and educational activities, to provide for any
423 facility, service, or other activity of Space Florida ~~the~~
424 ~~authority~~, and provide for the retirement or refunding of any
425 bonds or obligations of Space Florida ~~the authority~~, or for any
426 combination of the foregoing purposes. Space Florida ~~The~~
427 ~~authority~~ must provide 14 days' notice to the presiding officers
428 and appropriations chairs of both houses of the Legislature
429 prior to presenting a bond proposal to the Governor and Cabinet.
430 If either presiding officer or appropriations chair objects to
431 the bonding proposal within the 14-day-notice period, the bond
432 issuance may be approved only by a vote of three-fourths ~~two-~~
433 ~~thirds~~ of the members of the Governor and Cabinet.
434 (21) ~~(22)~~ Make expenditures for entertainment and travel
435 expenses and business clients, guests, and other authorized
436 persons as provided in this act.
437 (22) ~~(23)~~ In connection with any financing agreement, fix
438 and collect fees, loan payments, rental payments, and other
439 charges for the use of any project in such amount as to provide
440 sufficient moneys to pay the principal of and interest on bonds
441 as the same shall become due and payable, if so provided in the
442 bond resolution or trust agreement, and to create reserves for
443 such purposes. The fees, rents, payments, and charges and all
444 other revenues and proceeds derived from the project in
445 connection with which the bonds of any issue shall have been
446 issued, except such part thereof as may be necessary for such
447 reserves or any expenditures as may be provided in the
448 resolution authorizing the issuance of the bonds or in the trust
449 agreement securing the same, shall be set aside, at the time as
450 may be specified in the resolution or trust agreement, in a
451 sinking fund which may be pledged to and charged with the
452 payment of the principal of and the interest on such bonds as

453 the same shall become due and the redemption price or the
454 purchase price of bonds retired by call or purchase as therein
455 provided. Such pledge is ~~shall be~~ valid and binding from the
456 time the pledge is made. The fees, rents, charges, and other
457 revenues and moneys so pledged and thereafter received by or on
458 behalf of Space Florida ~~the authority~~ shall immediately be
459 subject to the lien of any such pledge without any physical
460 delivery thereof or further act, and the lien of any such pledge
461 is ~~shall be~~ valid and binding as against all parties having
462 claims of any kind in tort, contract, or otherwise against Space
463 Florida ~~the authority~~, irrespective of whether such parties have
464 notice thereof. Neither the resolution nor any trust agreement
465 by which a pledge is created need be filed or recorded, except
466 in the records of Space Florida ~~the authority~~. The use and
467 disposition of money to the credit of the sinking fund shall be
468 subject to the provisions of the resolution authorizing the
469 issuance of such bonds or the provisions of such trust
470 agreement.
471 ~~(24) Exercise the right and power of eminent domain in~~
472 ~~spaceport territory as defined in s. 331.304. In exercising such~~
473 ~~power, the authority shall comply with the procedures and~~
474 ~~requirements of chapters 73 and 74.~~
475 Section 6. Section 331.3051, Florida Statutes, is created
476 to read:
477 331.3051 Duties of Space Florida.--Space Florida shall:
478 (1) Create a business plan to foster the growth and
479 development of the aerospace industry. The business plan must
480 address business development; finance; spaceport operations;
481 research and development; workforce development; and education.
482 The business plan must be completed by March 1, 2007, and be
483 revised when determined as necessary by the board.

484 (2) Consult and coordinate to the extent possible with the
485 Department of Education, the Department of Transportation,
486 Enterprise Florida, Inc., the Florida Commission on Tourism and
487 its direct-support organization, and Workforce Florida, Inc.,
488 for the purpose of implementing this act.
489 (3) Consult with Enterprise Florida, Inc., in developing a
490 plan to retain, expand, attract, and create aerospace industry
491 entities, public or private, which results in the creation of
492 high-value-added businesses and jobs in this state.
493 (4) Create a marketing campaign to help attract, develop,
494 and retain aerospace businesses, aerospace research and
495 technology, and other related activities in this state. The
496 campaign must be coordinated with any existing economic-
497 development-promotion efforts in this state and may use private
498 resources. Marketing strategies may include developing
499 promotional materials, Internet and print advertising, public
500 relations and media placement, trade show attendance, and other
501 activities.
502 (5) Develop, with input from Enterprise Florida, Inc., and
503 the Florida Commission on Tourism and its direct-support
504 organization, a public advertising program promoting aerospace-
505 related activities, businesses, or any Space Florida projects.
506 (6) Develop, with input from Enterprise Florida, Inc., a
507 plan to finance aerospace businesses. The plan may include the
508 following activities:
509 (a) Assembling, publishing, and disseminating information
510 concerning financing opportunities and techniques for aerospace
511 projects, programs, and activities; sources of public and
512 private aerospace financing assistance; and sources of
513 aerospace-related financing.

514 (b) Organizing, hosting, and participating in seminars and
515 other forums designed to disseminate information and technical
516 assistance regarding aerospace-related financing.
517 (c) Coordinating with programs and goals of the Department
518 of Defense, the National Aeronautics and Space Administration,
519 the Export-Import Bank of the United States, the International
520 Trade Administration of the United States Department of
521 Commerce, the Foreign Credit Insurance Association, and other
522 private and public programs and organizations, domestic and
523 foreign.
524 (d) Establishing a network of contacts among those
525 domestic and foreign public and private organizations that
526 provide information, technical assistance, and financial support
527 to the aerospace industry.
528 (7) Carry out its responsibilities for spaceport
529 operations by undertaking the following:
530 (a) Seeking federal support and developing partnerships to
531 renew and upgrade the infrastructure and technologies at the
532 Cape Canaveral Air Force Station, the Kennedy Space Center, and
533 the Eastern Range that will enhance space and military programs
534 of the Federal Government, and improve access for commercial
535 launch activities.
536 (b) Supporting federal efforts to clarify roles and
537 responsibilities of federal agencies, and eliminate duplicative
538 federal rules and policies, in an effort to streamline access
539 for commercial launch users.
540 (c) Pursuing the development of additional commercial
541 spaceports in the state through a competitive request for
542 proposals in partnership with counties or municipalities, the
543 Federal Government, or private entities.

544 (d) Promoting and facilitating launch activity within the
545 state by supporting and assisting commercial launch operators in
546 completing and submitting required documentation and gaining
547 approvals and authorization from the required federal agencies
548 for launching from Florida.
549 (e) Consulting, as necessary, with the appropriate
550 federal, state, and local authorities, including the National
551 Aeronautics and Space Administration, the Federal Aviation
552 Administration, the Department of Defense, the Department of
553 Transportation, the Florida National Guard, and industry on all
554 aspects of establishing and operating spaceport infrastructure
555 and related facilities within the state.
556 (8) Carry out its responsibility for research and
557 development by undertaking the following:
558 (a) Contracting for the operations of the state's Space
559 Life Sciences Laboratory.
560 (b) Working in collaboration with one or more universities
561 and other public or private entities to develop a proposal for a
562 Center of Excellence for Aerospace that will foster and promote
563 the research necessary to develop commercially promising,
564 advanced, and innovative science and technology and will
565 transfer those discoveries to the commercial sector.
566 (9) Carry out its responsibility for workforce
567 development, with input from Workforce Florida, Inc., community
568 colleges, colleges, public and private universities, and other
569 public and private partners by developing a plan to retain,
570 train, and retrain workers, from entry-level skills training
571 through to technician-level, and 4-year degrees and higher, with
572 the skills most relevant to aerospace employers.
573 (10) Carry out its responsibility for creating innovative
574 education programs, funding programs developed in conjunction

575 with the Department of Education which targets grades K-20 in an
576 effort to promote mathematics and science education programs,
577 which may include the Florida-NASA Matching Grant Program,
578 aerospace-focused education programs for teachers, education-
579 oriented microgravity flight programs for teachers and students,
580 and Internet-based aerospace education. Funds collected pursuant
581 to s. 212.20(6)(d) and any in-kind or private-sector
582 contribution may be used to carry out innovative education
583 programs. In its annual report, Space Florida shall include, at
584 a minimum, a description of programs funded, the number of
585 students served, and private-sector support.
586 (11) Space Florida shall annually report on its
587 performance with respect to its business plan, to include
588 finance, spaceport operations, research and development,
589 workforce development, and education. The report shall be
590 submitted to the Governor, the President of the Senate, and the
591 Speaker of the House of Representatives no later than September
592 1 for the prior fiscal year.
593 Section 7. Section 331.306, Florida Statutes, is amended
594 to read:
595 331.306 Federal airspace notification.--In coordination
596 with the Florida Department of Transportation, Space Florida ~~the~~
597 ~~authority~~ shall develop and file the federal airspace
598 notification required for priority airspace use.
599 Section 8. Section 331.308, Florida Statutes, is amended
600 to read:
601 331.308 Board of directors ~~supervisors~~.--
602 (1) Space Florida shall be governed by a board of
603 directors. Designees of appointed members do not have voting
604 authority. The board of directors shall consist of the following
605 members:

606 (a) The Governor or the Governor's designee.
607 (b) The Secretary of Transportation or the secretary's
608 designee.
609 (c) The president of Workforce Florida, Inc., or the
610 president's designee.
611 (d) The president of Enterprise Florida, Inc., or the
612 president's designee.
613 (e) The president of the direct-support organization of
614 the Florida Commission on Tourism or the president's designee.
615 (f) The Commissioner of Education or the commissioner's
616 designee.
617 (g) Seven members from the private sector appointed by the
618 Governor. In making these appointments, the Governor shall
619 ensure that the composition of the board reflects the diversity
620 of the aerospace industry community of this state and, to the
621 greatest degree possible, that the composition of the board
622 includes, but is not limited to, individuals representing the
623 industries of business, finance, marketing, space, aerospace,
624 aviation, defense, research and development, and education. The
625 Governor shall also consider whether the current members of the
626 board, together with potential appointees, reflect the racial,
627 ethnic, and gender diversity, as well as the geographic
628 distribution, of the population of the state.
629 (h) Two ex officio, nonvoting members, one of whom shall
630 be a member of the Senate, selected by the President of the
631 Senate, and one of whom shall be a member of the House of
632 Representatives, selected by the Speaker of the House of
633 Representatives.
634 (i) Six members from the private sector, three of whom
635 shall be appointed by the President of the Senate and three of

636 whom shall be appointed by the Speaker of the House of
637 Representatives.
638 (2)(a) Vacancies on the board shall be filled for the
639 unexpired term in the same manner as the original appointments
640 to the board.
641 (b) Each member of the board of directors shall serve for
642 a term of 4 years, except that the initial terms shall be
643 staggered.
644 1. The Governor shall appoint two members for a 1-year
645 term, two members for 2-year terms, and three members for 4-year
646 terms.
647 2. The President of the Senate and the Speaker of the
648 House of Representatives shall each appoint one member for a 1-
649 year term, one member for a 2-year term, and one member for a 4-
650 year term.
651 (c) Any member is eligible for reappointment.
652 (3) Appointed members may be removed by the Governor for
653 cause. Absence from three consecutive meetings without good
654 cause shall result in automatic removal.
655 (4) All private sector members are subject to confirmation
656 by the Senate at the next regular session of the Legislature.
657 (5) The Governor shall serve as chair of the board of
658 directors. The board of directors shall biennially elect one of
659 its private sector members as vice chair to serve in the absence
660 of the Governor and to perform such other duties as may be
661 designated. The president shall keep a record of the proceedings
662 of the board of directors and shall be the custodian of all
663 books, documents, and papers filed with the board of directors,
664 the minutes of the board of directors, and the official seal of
665 Space Florida.

666 (6) The board of directors shall meet at least four times
667 each year, upon the call of the chair, at the request of the
668 vice chair, or at the request of a majority of the membership. A
669 majority of the total number of current voting directors shall
670 constitute a quorum. The board of directors may take official
671 action by a majority vote of the members present at any meeting
672 at which a quorum is present.
673 (7) Members of the board of directors shall serve without
674 compensation, but members, the president, and staff may be
675 reimbursed for all reasonable, necessary, and actual expenses,
676 as determined by the board of directors of Space Florida
677 pursuant to s. 112.061.
678 (8) Each member of the board of directors of Space Florida
679 who is not otherwise required to file financial disclosure
680 pursuant to s. 8, Art. II of the State Constitution or s.
681 112.3144, shall file disclosure of financial interests pursuant
682 to s. 112.3145.
683 (9) Each member of the board of directors of Space Florida
684 must be a resident of the state of Florida. ~~There is created~~
685 ~~within the Florida Space Authority a board of supervisors~~
686 ~~consisting of eight regular members, who shall be appointed by~~
687 ~~the Governor, and two ex officio nonvoting members, one of whom~~
688 ~~shall be a state senator selected by the President of the Senate~~
689 ~~and one of whom shall be a state representative selected by the~~
690 ~~Speaker of the House of Representatives. The Lieutenant~~
691 ~~Governor, who is the state's space policy leader, shall serve as~~
692 ~~chair of the board of supervisors, and shall cast the deciding~~
693 ~~vote if the votes of the eight regular members result in a tie.~~
694 ~~The board shall elect a vice chair to preside in the absence of~~
695 ~~the Lieutenant Governor and to perform such other duties as may~~
696 ~~be designated. All regular members shall be subject to~~

697 ~~confirmation by the Senate at the next regular session of the~~
698 ~~Legislature. Existing board members are not prohibited from~~
699 ~~reappointment. Each of the regular board members must be a~~
700 ~~resident of the state and must have experience in the aerospace~~
701 ~~or commercial space industry or in finance or have other~~
702 ~~significant relevant experience. A private sector legal entity~~
703 ~~may not have more than one person serving on the board at any~~
704 ~~one time. One regular member shall represent organized labor~~
705 ~~interests, one regular member shall represent minority~~
706 ~~interests, and four regular members must represent space~~
707 ~~industry, at least one of whom must also be from a small~~
708 ~~business, as defined in s. 288.703. For the purpose of this~~
709 ~~section, "space industry" includes private sector entities~~
710 ~~engaged in space flight business, as defined in s. 212.031,~~
711 ~~research and technology development of space-based products and~~
712 ~~services, space station commercialization, development of~~
713 ~~spaceport and range technology, remote sensing products and~~
714 ~~services, space biotechnology, measurement and calibration of~~
715 ~~space assets, space-related software and information technology~~
716 ~~development, design and architecture of space-based assets and~~
717 ~~facilities for manufacturing and other purposes, space-related~~
718 ~~nanotechnology, space tourism, and other commercial enterprises~~
719 ~~utilizing uniquely space-based capabilities.~~
720 ~~(2) Each regular member shall serve a term of 4 years or~~
721 ~~until a successor is appointed and qualified. The term of each~~
722 ~~such member shall be construed to commence on the date of~~
723 ~~appointment and to terminate on June 30 of the year of the end~~
724 ~~of the term. Appointment to the board shall not preclude any~~
725 ~~such member from holding any other private or public position.~~
726 ~~(3) The ex officio nonvoting legislative members shall~~
727 ~~serve on the board for 2-year terms.~~

728 ~~(4) Any vacancy on the board shall be filled for the~~
729 ~~balance of the unexpired term.~~
730 ~~(5) The board shall appoint an executive director.~~
731 ~~Meetings shall be held quarterly or more frequently at the call~~
732 ~~of the chair. A majority of the regular members of the board~~
733 ~~shall constitute a quorum, and a majority vote of such members~~
734 ~~present is necessary for any action taken by the board.~~
735 ~~(6) The Governor has the authority to remove from the~~
736 ~~board any regular member in the manner and for cause as defined~~
737 ~~by the laws of this state and applicable to situations that may~~
738 ~~arise before the board. Unless excused by the chair of the~~
739 ~~board, a regular member's absence from two or more consecutive~~
740 ~~board meetings creates a vacancy in the office to which the~~
741 ~~member was appointed.~~
742 Section 9. Section 331.309, Florida Statutes, is amended
743 to read:
744 331.309 Treasurer; depositories; fiscal agent.--
745 (1) The board shall designate an individual who is a
746 resident of the state, or a qualified public depository as
747 defined in s. 280.02, as treasurer of Space Florida ~~the~~
748 ~~authority~~, who shall have charge of the funds of Space Florida
749 ~~the authority~~. Such funds shall be disbursed only upon the order
750 of or pursuant to the resolution of the board by warrant, check,
751 authorization, or direct deposit pursuant to s. 215.85, signed
752 or authorized by the treasurer or his or her representative or
753 by such other persons as may be authorized by the board. The
754 board may give the treasurer such other or additional powers and
755 duties as the board may deem appropriate and shall establish the
756 treasurer's compensation. The board may require the treasurer to
757 give a bond in such amount, on such terms, and with such
758 sureties as may be deemed satisfactory to the board to secure

759 the performance by the treasurer of his or her powers and
760 duties. The board shall audit or have audited the books of the
761 treasurer at least once a year.
762 (2) The board is authorized to select as depositories in
763 which the funds of the board and of Space Florida ~~the authority~~
764 shall be deposited any qualified public depository as defined in
765 s. 280.02, upon such terms and conditions as to the payment of
766 interest by such depository upon the funds so deposited as the
767 board may deem just and reasonable. ~~Funds of the authority may~~
768 ~~also be deposited with the Florida Commercial Space Financing~~
769 ~~Corporation created by s. 331.407.~~ The funds of Space Florida
770 ~~the authority~~ may be kept in or removed from the State Treasury
771 upon written notification from the chair of the board to the
772 Chief Financial Officer.
773 (3) The board may employ a fiscal agent, who shall be
774 either a resident of the state or a corporation organized under
775 the laws of this or any other state and authorized by such laws
776 to act as such fiscal agent in the state.
777 Section 10. Section 331.310, Florida Statutes, is amended
778 to read:
779 331.310 Powers and duties of the board of directors
780 ~~supervisors.--Except as otherwise provided in this act, all of~~
781 ~~the powers and duties of the authority shall be exercised by and~~
782 ~~through the board of supervisors, including the power and duty~~
783 ~~to:~~
784 (1) The board may: ~~Adopt bylaws, rules, resolutions, and~~
785 ~~orders prescribing the powers, duties, and functions of the~~
786 ~~officers of the authority, the conduct of the business of the~~
787 ~~authority, the maintenance of records, and the form of all~~
788 ~~documents and records of the authority. The board may adopt~~

789 ~~administrative rules and regulations with respect to any of the~~
790 ~~projects of the authority, with notice and public hearing.~~
791 ~~(2) Maintain an executive office and authority offices in~~
792 ~~close proximity to Kennedy Space Center.~~
793 (a) ~~(3)~~ Enter, and authorize any agent or employee of Space
794 Florida ~~the authority~~ to enter, upon any lands, waters, and
795 premises, upon giving reasonable notice and due process to the
796 land owner, for the purposes of making surveys, soundings,
797 drillings, appraisals, and examinations necessary to perform its
798 duties and functions. Any such entry shall not be deemed a
799 trespass or an entry that would constitute a taking in an
800 eminent domain proceeding. Space Florida ~~The authority~~ shall
801 make reimbursement for any actual damages to such lands, waters,
802 and premises as a result of such activity.
803 (b) ~~(4)~~ Execute all contracts and other documents, adopt
804 all proceedings, and perform all acts determined by the board to
805 be necessary or desirable to carry out the purposes of this act.
806 The board may authorize one or more members of the board to
807 execute contracts and other documents on behalf of the board or
808 Space Florida ~~the authority~~.
809 (c) ~~(5)~~ Establish and create such departments, committees,
810 or other entities ~~agencies~~ as from time to time the board may
811 deem necessary or desirable in the performance of any acts or
812 other things necessary to the exercise of the powers provided in
813 this act, and delegate to such departments, boards, or other
814 agencies such administrative duties and other powers as the
815 board may deem necessary or desirable.
816 ~~(6) Appoint a person to act as executive director of the~~
817 ~~authority, having such official title, functions, duties,~~
818 ~~powers, and salary as the board may prescribe.~~

819 (d) ~~(7)~~ Examine, and authorize any officer or agent of
820 Space Florida ~~the authority~~ to examine, the county tax rolls
821 with respect to the assessed valuation of the real and personal
822 property within any spaceport territory.
823 (e) ~~(8)~~ Engage in the planning and implementation of space-
824 related economic and educational development within the state.
825 (f) Provide the strategic direction for the aerospace-
826 related research priorities of the state and its aerospace-
827 related businesses, the scope of research projects for Space
828 Florida, and the timeframe for completion of the projects.
829 (g) ~~(9)~~ Execute intergovernmental agreements and
830 development agreements consistent with prevailing statutory
831 provisions, including, but not limited to, special benefits or
832 tax increment financing initiatives.
833 (h) Finance aerospace business development projects or
834 initiatives using the funds collected pursuant to s.
835 212.20(6)(d).
836 (i) ~~(10)~~ Establish reserve funds for future board
837 operations.
838 (j) ~~(11)~~ Adopt rules pursuant to chapter 120 to carry out
839 the purposes of this act.
840 (2) The board of directors shall:
841 (a) Adopt bylaws, rules, resolutions, and orders
842 prescribing the powers, duties, and functions of Space Florida
843 to conduct the business of Space Florida, the maintenance of
844 records, and the form of all documents and records of Space
845 Florida. The board may adopt rules with respect to any of the
846 projects of Space Florida with notice and a public hearing.
847 (b) Maintain an executive office and authority offices in
848 close proximity to Kennedy Space Center.

849 (c) Appoint a person to act as the president of Space
850 Florida, having such official title, functions, duties, powers,
851 and salary as the board may prescribe.
852 (d) ~~(12)~~ Abide by all applicable federal labor laws in the
853 construction and day-to-day operations of Space Florida ~~the~~
854 ~~authority~~ and any spaceport. Further, the board shall establish,
855 by rule and regulation, pursuant to chapter 120, policies and
856 procedures for the construction and operation of Space Florida
857 ~~the authority~~ and any spaceport. The ~~Said~~ policies and
858 procedures shall be such that when Space Florida ~~the authority~~
859 expends federal funds for construction or operation of any
860 spaceport project, Space Florida ~~the authority~~ will be subject
861 to the federal labor laws observed at the Kennedy Space Center
862 and Cape Canaveral Air Force Station, Florida, applicable as a
863 result of such federal expenditures.
864 (e) ~~(13)~~ Prepare an annual report of operations. The ~~Said~~
865 report shall include, but not be limited to, a balance sheet, an
866 income statement, a statement of changes in financial position,
867 a reconciliation of changes in equity accounts, a summary of
868 significant accounting principles, the auditor's report, a
869 summary of the status of existing and proposed bonding projects,
870 comments from management about the year's business, and
871 prospects for the next year, which shall be submitted each year
872 by December 31 ~~November 30~~ to the Governor, the President of the
873 Senate, the Speaker of the House of Representatives, the
874 minority leader of the Senate, and the minority leader of the
875 House of Representatives.
876 (f) Establish a personnel management system for hiring
877 employees and establishing employee's benefit packages.
878 Personnel of Space Florida are not state employees.
879 ~~(14) Change the name of the authority.~~

880 Section 11. Section 331.3101, Florida Statutes, is amended
881 to read:
882 331.3101 Space Florida ~~Space Authority~~; travel and
883 entertainment expenses.--
884 (1) Notwithstanding the provisions of s. 112.061, Space
885 Florida ~~the authority~~ shall adopt rules by which it may make
886 expenditures by advancement or reimbursement, or a combination
887 thereof, to Space Florida ~~authority~~ officers and employees;
888 reimburse business clients, guests, and authorized persons as
889 defined in s. 112.061(2)(e); and make direct payments to third-
890 party vendors:
891 (a) For travel expenses of such business clients, guests,
892 and authorized persons incurred by Space Florida ~~the authority~~
893 in connection with the performance of its statutory duties, and
894 for travel expenses incurred by state officials and state
895 employees while accompanying such business clients, guests, or
896 authorized persons or when authorized by the board or its
897 designee.
898 (b) For entertainment expenses of such guests, business
899 clients, and authorized persons incurred by Space Florida ~~the~~
900 ~~authority~~ in connection with the performance of its statutory
901 duties, and for entertainment expenses incurred for Space
902 Florida ~~authority~~ officials and employees when such expenses are
903 incurred while in the physical presence of such business
904 clients, guests, or authorized persons.
905 (2) The rules shall be subject to approval by the Chief
906 Financial Officer before adoption ~~prior to promulgation~~. The
907 rules shall require the submission of paid receipts, or other
908 proof prescribed by the Chief Financial Officer, with any claim
909 for reimbursement, and shall require, as a condition for any
910 advancement, an agreement to submit paid receipts or other proof

911 and to refund any unused portion of the advancement within 15
912 days after the expense is incurred or, if the advancement is
913 made in connection with travel, within 15 days after completion
914 of the travel. However, with respect to an advancement made
915 solely for travel expenses, the rules may allow paid receipts or
916 other proof to be submitted, and any unused portion of the
917 advancement to be refunded, within 30 days after completion of
918 the travel.

919 (3) An annual report shall be made to the Legislature not
920 later than September 1 ~~November 30~~ of each year for the previous
921 fiscal year, which shall consist of a synopsis concisely
922 summarizing all travel, entertainment, and incidental expenses
923 incurred within the United States and, separately, all travel,
924 entertainment, and incidental expenses incurred outside the
925 United States.

926 (4) A ~~No~~ claim submitted under this section is not ~~shall~~
927 ~~be~~ required to be sworn to before a notary public or other
928 officer authorized to administer oaths, but any claim authorized
929 or required to be made under any provision of this section must
930 ~~shall~~ contain a statement that the expenses were actually
931 incurred as necessary travel or entertainment expenses in the
932 performance of official duties of Space Florida ~~the authority~~
933 and shall be verified by written declaration that it is true and
934 correct as to every material matter. Any person who willfully
935 makes and subscribes to any such claim which the person does not
936 believe to be true and correct as to every material matter or
937 who willfully aids or assists in, or procures, counsels, or
938 advises, the preparation or presentation of a claim pursuant to
939 this section, which claim is fraudulent or false as to any
940 material matter, whether or not such falsity or fraud is with
941 the knowledge or consent of the person authorized or required to

942 present such claim, commits a misdemeanor of the second degree,
943 punishable as provided in s. 775.082 or s. 775.083. Whoever
944 receives an advancement or reimbursement by means of a false
945 claim is civilly liable, in the amount of the overpayment, for
946 the reimbursement of the public fund from which the claim was
947 paid.
948 Section 12. Section 331.311, Florida Statutes, is amended
949 to read:
950 331.311 Exercise by Space Florida ~~authority~~ of its powers
951 within municipalities and other political subdivisions.--Space
952 Florida may ~~The authority shall have the power to~~ exercise any
953 of its rights, powers, privileges, and authority in any and all
954 portions of any spaceport territory lying within the boundaries
955 of any municipal corporation or other political subdivision,
956 heretofore or hereafter created or organized, whose boundaries
957 lie wholly or partly within the geographical limits of the
958 spaceport territory, to the same extent and in the same manner
959 as in areas of the spaceport territory not incorporated as part
960 of a municipality or other political subdivision. With respect
961 to any municipal corporation or other political subdivision
962 whose boundaries lie partly within and partly without the
963 geographical limits of the spaceport territory, Space Florida
964 may ~~the authority shall have the power to~~ exercise its rights,
965 powers, privileges, and authority only within the portion of the
966 ~~such~~ municipal corporation or other political subdivision lying
967 within the boundaries of the spaceport territory.
968 Section 13. Section 331.312, Florida Statutes, is amended
969 to read:
970 331.312 Furnishing facilities and services within the
971 spaceport territory.--Space Florida may ~~The authority shall have~~
972 ~~the power to~~ construct, develop, create, maintain, and operate

973 its projects within the geographical limits of the spaceport
974 territory, including any portions of the spaceport territory
975 located inside the boundaries of any incorporated municipality
976 or other political subdivision, and to offer, supply, and
977 furnish the facilities and services provided for in this act to,
978 and to establish and collect fees, rentals, and other charges
979 from, persons, public or private, within the geographical limits
980 of the spaceport territory and for the use of Space Florida ~~the~~
981 ~~authority~~ itself.
982 Section 14. Section 331.313, Florida Statutes, is amended
983 to read:
984 331.313 Power of Space Florida ~~the authority~~ with respect
985 to roads.--Within the territorial limits of any spaceport
986 territory, Space Florida may ~~the authority has the right to~~
987 acquire, through purchase or interagency agreement, or as
988 otherwise provided in law, and to construct, control, and
989 maintain, roads deemed necessary by Space Florida ~~the authority~~
990 and connections thereto and extensions thereof now or hereafter
991 acquired, constructed, or maintained in accordance with
992 established highway safety standards; provided that, in the
993 event a road being addressed by Space Florida ~~the authority~~ is
994 owned by another agency or jurisdiction, Space Florida ~~the~~
995 ~~authority~~, before ~~prior to~~ proceeding with the proposed project
996 or work activity, shall have either coordinated the desired work
997 with the owning agency or jurisdiction or shall have
998 successfully executed an interagency agreement with the owning
999 agency or jurisdiction.
1000 Section 15. Section 331.315, Florida Statutes, is amended
1001 to read:
1002 331.315 Maintenance of projects across rights-of-
1003 way.--Space Florida may ~~The authority shall have the right to~~

1004 construct and operate its projects in, along, or under any
1005 streets, alleys, highways, or other public places or ways, and
1006 across any drain, ditch, canal, floodway, holding basin,
1007 excavation, railroad right-of-way, track, grade, fill, or cut;
1008 ~~provided,~~ however, Space Florida shall pay ~~that~~ just
1009 compensation, including fees, ~~shall be paid by the authority~~ for
1010 any damages arising from ~~or private property taken by~~ the
1011 exercise of such power.
1012 Section 16. Section 331.316, Florida Statutes, is amended
1013 to read:
1014 331.316 Rates, fees, rentals, tolls, fares, and charges;
1015 procedure for adoption and modification; minimum revenue
1016 requirements.--
1017 (1) To recover the costs of the spaceport facility or
1018 system, Space Florida may ~~the authority shall have the power to~~
1019 prescribe, fix, establish, and collect rates, fees, rentals,
1020 tolls, fares, or other charges (hereinafter referred to as
1021 "revenues"), and to revise the same from time to time, for the
1022 facilities and services furnished or to be furnished by Space
1023 Florida ~~the authority~~ and the spaceport, including, but not
1024 limited to, launch pads, ranges, payload assembly and processing
1025 facilities, visitor and tourist facilities, transportation
1026 facilities, and parking and other related facilities, and may
1027 ~~shall have the power to~~ provide for reasonable penalties against
1028 any user or property for any such rates, fees, rentals, tolls,
1029 fares, or other charges that are delinquent.
1030 (2) The board may ~~shall have the power to~~ enter into
1031 contracts for the use of the projects of Space Florida ~~the~~
1032 ~~authority~~ and for the services and facilities furnished or to be
1033 furnished by Space Florida ~~the authority~~, including, but not
1034 limited to, launch services, payload assembly and processing,

1035 and other aerospace-related services, for such consideration and
1036 on such other terms and conditions as the board may approve.
1037 Such contracts, and revenues or service charges received or to
1038 be received by Space Florida ~~the authority~~ thereunder, may be
1039 pledged as security for any of the bonds of Space Florida ~~the~~
1040 ~~authority~~.
1041 Section 17. Section 331.317, Florida Statutes, is amended
1042 to read:
1043 331.317 Recovery of delinquent charges.--In the event that
1044 any of the rates, fees, rentals, tolls, fares, other charges, or
1045 delinquent penalties shall not be paid as and when due and shall
1046 be in default for 30 days or more, the unpaid balance thereof
1047 and all interest accrued thereon, together with attorney's fees
1048 and costs, may be recovered by Space Florida ~~the authority~~ in a
1049 civil action.
1050 Section 18. Section 331.318, Florida Statutes, is amended
1051 to read:
1052 331.318 Discontinuance of service.--In the event that the
1053 rates, fees, rentals, tolls, fares, or other charges for the
1054 services and facilities of any project are not paid when due,
1055 the board may ~~shall have the power to~~ discontinue and shut off
1056 the same until such rates, fees, rentals, tolls, fares, or other
1057 charges, including interest, penalties, and charges for the
1058 shutting off and discontinuance and the restoration of such
1059 services and facilities, are fully paid. Such delinquent rates,
1060 fees, rentals, tolls, fares, or other charges, together with
1061 interest, penalties, and charges for the shutting off and
1062 discontinuance and the restoration of such services and
1063 facilities, and reasonable attorney's fees and other expenses,
1064 may be recovered by Space Florida ~~the authority~~ by suit in any
1065 court of competent jurisdiction. Space Florida ~~The authority~~ may

1066 also enforce payment of such delinquent rates, fees, rentals,
1067 tolls, fares, or other charges by any other lawful method of
1068 enforcement.
1069 Section 19. Section 331.319, Florida Statutes, is amended
1070 to read:
1071 331.319 Comprehensive planning; building and safety
1072 codes.--The board of directors may ~~supervisors shall have the~~
1073 ~~power to~~:
1074 (1) Adopt, and from time to time review, amend,
1075 supplement, or repeal, a comprehensive general plan for the
1076 physical development of the area within the spaceport territory
1077 in accordance with the objectives and purposes of this act and
1078 consistent with the comprehensive plans of the applicable county
1079 or counties and municipality or municipalities adopted pursuant
1080 to the Local Government Comprehensive Planning and Land
1081 Development Regulation Act, part II of chapter 163.
1082 (2) Prohibit within the spaceport territory the
1083 construction, alteration, repair, removal, or demolition, or the
1084 commencement of the construction, alteration, repair (except
1085 emergency repairs), removal, or demolition, of any building or
1086 structure, including, but not by way of limitation, public
1087 utility poles, lines, pipes, and facilities, without first
1088 obtaining a permit from the board or such other officer or
1089 agency as the board may designate, and to prescribe the
1090 procedure with respect to the obtaining of such permit.
1091 Section 20. Section 331.320, Florida Statutes, is amended
1092 to read:
1093 331.320 Additional powers of board.--The board of
1094 directors may ~~shall have the power~~ within any spaceport
1095 territory ~~to~~:

1096 (1) Adopt regulations to prohibit or control the pollution
1097 of air and water, and require certain location and placement of
1098 electrical power, telephone, and other utility lines, cables,
1099 pipes, and ducts.
1100 (2) Divide the spaceport territory into zones or districts
1101 of such number, shape, and area as the board may deem best
1102 suited to carry out the purposes of this act, and within and for
1103 each such district make regulations and restrictions as provided
1104 for in subsection (1).
1105 Section 21. Section 331.321, Florida Statutes, is amended
1106 to read:
1107 331.321 Federal and other funds and aid.--Space Florida
1108 may ~~The authority is authorized to~~ accept, receive, and receipt
1109 for federal moneys, property, and other moneys or properties,
1110 either public or private, for the acquisition, planning,
1111 operation, construction, enlargement, improvement, maintenance,
1112 equipment, or development of programs, facilities, and sites
1113 therefor, and ~~to~~ comply with the provisions of the laws of the
1114 United States and any rules and regulations made thereunder for
1115 the expenditure of federal moneys.
1116 Section 22. Section 331.322, Florida Statutes, is amended
1117 to read:
1118 331.322 Agreements with municipalities within any
1119 spaceport territory.--The board of directors and the governing
1120 body or bodies of any one or more municipalities located wholly
1121 or partly within any spaceport territory, whether now in
1122 existence or hereafter created, may ~~are authorized to~~ enter into
1123 and carry into effect contracts and agreements relating to the
1124 common powers, duties, and functions of the board and other
1125 officers, agents, and employees of Space Florida ~~the authority~~,
1126 and the respective governing body or bodies of one or more such

1127 municipalities, and their respective officers, agents, and
1128 employees, to the end that there may be effective cooperation
1129 between and coordination of the efforts of such municipality or
1130 municipalities and Space Florida ~~the authority~~ in discharging
1131 their common functions, powers, and duties and in rendering
1132 services to the respective residents and property owners of such
1133 municipality or municipalities and Space Florida ~~the authority~~.
1134 The board and the governing body or bodies of one or more such
1135 municipalities are further authorized to enter into and carry
1136 into effect contracts and agreements for the performance of any
1137 of their common functions, powers, and duties by a central
1138 agency or common agent of the contracting parties.
1139 Section 23. Section 331.323, Florida Statutes, is amended
1140 to read:
1141 331.323 Cooperative agreements with the state, counties,
1142 and municipalities.--
1143 (1) The state and the counties, municipalities, and other
1144 political subdivisions, public bodies, and agencies thereof, or
1145 any of them, whether now existing or hereafter created, are
1146 authorized to aid and cooperate with Space Florida ~~the authority~~
1147 in carrying out any of the purposes and projects of Space
1148 Florida ~~the authority~~, to enter into cooperative agreements with
1149 Space Florida ~~the authority~~, to provide in any such cooperative
1150 agreement for the making of loans, gifts, grants, or
1151 contributions to Space Florida ~~the authority~~ and the granting
1152 and conveyance to Space Florida ~~the authority~~ of real or
1153 personal property of any kind or nature, or any interest
1154 therein, for the carrying out of the purpose and projects of
1155 Space Florida ~~the authority~~; to covenant in any such cooperative
1156 agreement to pay all or any part of the costs of acquisition,
1157 planning, development, construction, reconstruction, extension,

1158 improvement, operation, and maintenance of any projects of Space
1159 Florida ~~the authority~~; and to pay all or any part of the
1160 principal and interest on any bonds of Space Florida ~~the~~
1161 ~~authority~~.
1162 (2) The state and the counties, municipalities, and other
1163 political subdivisions, public bodies, and agencies thereof, or
1164 any of them, whether now existing or hereafter created, and
1165 Space Florida ~~the authority created by this act~~, are further
1166 authorized to enter into cooperative agreements to provide for
1167 the furnishing by Space Florida ~~the authority~~ to the state or
1168 any county, municipality, or other political subdivision, public
1169 body, or agency thereof of any of the facilities and services of
1170 Space Florida ~~the authority~~, or by the state or any county,
1171 municipality, or other political subdivision, public body, or
1172 agency thereof to Space Florida ~~the authority~~ and to persons
1173 within the spaceport territory of facilities and services of the
1174 type that Space Florida ~~the authority~~ is authorized to furnish
1175 or undertake, or such other facilities and services as may be
1176 determined necessary or desirable by the board for the carrying
1177 out of the purposes of this act. Without limitation of the
1178 foregoing, such cooperative agreements may provide for the
1179 furnishing by any county, municipality, or other political
1180 subdivision of fire and police protection for Space Florida ~~the~~
1181 ~~authority~~ and persons and property within Space Florida ~~the~~
1182 ~~authority~~, and for the providing to Space Florida ~~the authority~~
1183 of any services deemed necessary or desirable by the board for
1184 the proper functioning of Space Florida ~~the authority~~.
1185 (3) Without limitation of the foregoing, the board may
1186 undertake and finance any of the projects of Space Florida ~~the~~
1187 ~~authority~~, in whole or in part, jointly with any municipality or
1188 municipalities, now existing or hereafter created, or in any

1189 other manner combine the projects of Space Florida ~~the authority~~
1190 with the projects of such municipality or municipalities.
1191 (4) Any agreement of the type authorized by this section
1192 may be made and entered into under ~~pursuant to~~ this act for such
1193 time or times, not exceeding 40 years.
1194 Section 24. Section 331.324, Florida Statutes, is amended
1195 to read:
1196 331.324 Contracts, grants, and contributions.--Space
1197 Florida may ~~The authority shall have the power to~~ make and enter
1198 all contracts and agreements necessary or incidental to the
1199 performance of the functions of Space Florida ~~the authority~~ and
1200 the execution of its powers, and to contract with, and to accept
1201 and receive grants or loans of money, material, or property
1202 from, any person, private or public, as the board shall
1203 determine to be necessary or desirable to carry out the purposes
1204 of this act, and in connection with any such contract, grant, or
1205 loan to stipulate and agree to such covenants, terms, and
1206 conditions as the board shall deem appropriate.
1207 Section 25. Section 331.325, Florida Statutes, is amended
1208 to read:
1209 331.325 Environmental permits.--Space Florida ~~The~~
1210 ~~authority~~ shall obtain required environmental permits in
1211 accordance with federal and state law and shall comply with the
1212 provisions of chapter 380.
1213 Section 26. Section 331.326, Florida Statutes, is amended
1214 to read:
1215 331.326 Information relating to trade secrets
1216 confidential.--The records of Space Florida ~~the authority~~
1217 regarding matters encompassed by this act are public records
1218 subject to the provisions of chapter 119. Any information held
1219 by Space Florida ~~the authority~~ which is a trade secret, as

1220 defined in s. 812.081, including trade secrets of Space Florida
1221 ~~the authority~~, any spaceport user, or the space industry
1222 business, is confidential and exempt from the provisions of s.
1223 119.07(1) and s. 24(a), Art. I of the State Constitution and may
1224 not be disclosed. If Space Florida ~~the authority~~ determines that
1225 any information requested by the public will reveal a trade
1226 secret, it shall, in writing, inform the person making the
1227 request of that determination. The determination is a final
1228 order as defined in s. 120.52. Any meeting or portion of a
1229 meeting of Space Florida's ~~the authority's~~ board ~~of supervisors~~
1230 is exempt from the provisions of s. 286.011 and s. 24(b), Art. I
1231 of the State Constitution when the board is discussing trade
1232 secrets. Any public record generated during the closed portions
1233 of the ~~such~~ meetings, such as minutes, tape recordings, and
1234 notes, is confidential and exempt from the provisions of s.
1235 119.07(1) and s. 24(a), Art. I of the State Constitution.
1236 Section 27. Section 331.327, Florida Statutes, is amended
1237 to read:
1238 331.327 Foreign trade zone.--Space Florida may ~~The~~
1239 ~~authority shall have the power to~~ apply to the Federal
1240 Government for a grant allowing the designation of any spaceport
1241 territory as a foreign trade zone pursuant to ss. 288.36 and
1242 288.37. However, the designation of any spaceport territory as a
1243 foreign trade zone does ~~shall~~ not ~~be deemed to~~ authorize an
1244 exemption from any tax imposed by the state or by any political
1245 subdivision, agency, or instrumentality thereof.
1246 Section 28. Section 331.328, Florida Statutes, is amended
1247 to read:
1248 331.328 Sovereign immunity.--Space Florida ~~The authority~~
1249 shall be granted sovereign immunity in the same manner as the
1250 state under the laws and Constitution of the State of Florida.

1251 The state, by this section, hereby waives the sovereign immunity
1252 granted to the same extent as waived by the state under state
1253 law.
1254 Section 29. Section 331.329, Florida Statutes, is amended
1255 to read:
1256 331.329 Changing boundary lines; annexation and exclusion
1257 of lands; creation of municipalities within the geographical
1258 limits of any spaceport territory; limitations on the furnishing
1259 of services within annexed areas.--
1260 (1) The board of directors may at any time strike out or
1261 correct the description of any land within or claimed to be
1262 within the boundary lines of any spaceport territory upon the
1263 written consent of the owners of all the land that would be
1264 included or excluded from the boundary lines of any spaceport
1265 territory or otherwise affected by the taking of such action,
1266 and of the owners of not less than the majority in acreage of
1267 all lands within any spaceport territory.
1268 (a) The board may enlarge the geographical limits of any
1269 spaceport territory to include any lands not then within any
1270 spaceport territory:
1271 1. Upon the written consent of the owners of all the land
1272 to be included in any spaceport territory and of the owners of
1273 not less than a majority in acreage of all the land then within
1274 any spaceport territory; or
1275 2. By resolution of the board approved at a special
1276 election called for such purpose, by vote of a majority of
1277 freeholders residing within the area to be annexed and a
1278 majority of freeholders residing within any spaceport territory.
1279 (b) The board of directors may contract the geographical
1280 limits of any spaceport territory so as to exclude from any

1281 spaceport territory any land then within any spaceport
1282 territory:
1283 1. Upon the written consent of the owners of all the land
1284 to be so excluded and of the owners of not less than a majority
1285 in acreage of all the land then within any spaceport territory;
1286 or
1287 2. By resolution of the board approved at a special
1288 election called for such purpose, by vote of a majority of
1289 freeholders residing within the area to be excluded and a
1290 majority of the freeholders residing within any spaceport
1291 territory.
1292 (2) Land, including property situated thereon, added to
1293 any spaceport territory in the manner provided in subsection (1)
1294 shall from the time of its inclusion within such spaceport
1295 territory be subject to all assessments thereafter levied and
1296 assessed on all other land or property of any spaceport
1297 territory similarly situated. Land, including property situated
1298 thereon, excluded from any spaceport territory in the manner
1299 provided in subsection (1) shall from the date of such exclusion
1300 be exempt from assessments thereafter imposed by Space Florida
1301 ~~the authority~~ but shall not be exempt from assessments
1302 theretofore levied or due with respect to such land or property,
1303 or from subsequent installments of assessments theretofore
1304 levied or assessed with respect thereto, and such assessments
1305 may be enforced and collected by or on behalf of Space Florida
1306 ~~the authority~~ in the same manner as if such land or property
1307 continued to be within the geographical limits of any spaceport
1308 territory.
1309 (3) In the event that the geographical limits of any
1310 spaceport territory as set forth in s. 331.304 are revised so as
1311 to include within any spaceport territory any areas not

1312 presently contained within any spaceport territory, Space
1313 Florida may ~~the authority shall~~ not engage in the business of
1314 furnishing electric power for sale in such annexed area, unless
1315 Space Florida ~~the authority~~ shall offer to purchase from any
1316 person who is at the time engaged in the business of making,
1317 generating, or distributing electricity for sale within such
1318 annexed area, such portion of its electric plant and property
1319 suitable and used for such business in connection therewith as
1320 lies within the limits of such annexed area, in a manner
1321 consistent with law.
1322 (4) Space Florida ~~The authority~~ shall designate new launch
1323 pads outside the present designated spaceport territories by
1324 statutory amendment of s. 331.304.
1325 Section 30. Section 331.331, Florida Statutes, is amended
1326 to read:
1327 331.331 Revenue bonds.--
1328 (1) Revenue bonds issued by Space Florida ~~the authority~~
1329 shall not be deemed revenue bonds issued by the state or its
1330 agencies for purposes of s. 11, Art. VII of the State
1331 Constitution and ss. 215.57-215.83. Space Florida ~~The authority~~
1332 shall include in its annual report to the Governor and
1333 Legislature, as provided in s. 331.310, a summary of the status
1334 of existing and proposed bonding projects.
1335 (2) The issuance of revenue bonds may be secured by or
1336 payable from the gross or net pledge of the revenues to be
1337 derived from any project or combination of projects, from the
1338 rates, fees, rentals, tolls, fares, or other charges to be
1339 collected from the users of any project or projects; from any
1340 revenue-producing undertaking or activity of Space Florida ~~the~~
1341 ~~authority~~; or from any source of pledged security. Such bonds
1342 shall not constitute an indebtedness of Space Florida ~~the~~

1343 ~~authority~~ unless such bonds are additionally secured by the full
1344 faith and credit of Space Florida ~~the authority~~. Bonds issued by
1345 Space Florida ~~the authority~~ are not secured by the full faith
1346 and credit of the State of Florida and do not constitute an
1347 obligation, either general or special, thereof.
1348 (3) Any two or more projects may be combined and
1349 consolidated into a single project, and may thereafter be
1350 operated and maintained as a single project. The revenue bonds
1351 authorized herein may be issued to finance any one or more such
1352 projects separately, or to finance two or more such projects,
1353 regardless whether or not such projects have been combined and
1354 consolidated into a single project. If the board deems it
1355 advisable, the proceedings authorizing such revenue bonds may
1356 provide that Space Florida ~~the authority~~ may thereafter combine
1357 the projects then being financed or theretofore financed with
1358 other projects to be subsequently financed by Space Florida ~~the~~
1359 ~~authority~~ shall be on a parity with the revenue bonds then being
1360 issued, all on such terms, conditions, and limitations as shall
1361 be provided, and may further provide that the revenues to be
1362 derived from the subsequent projects shall at the time of the
1363 issuance of such parity revenue bonds be also pledged to the
1364 holders of any revenue bonds theretofore issued to finance the
1365 revenue undertakings which are later combined with such
1366 subsequent projects. Space Florida ~~The authority~~ may pledge for
1367 the security of the revenue bonds a fixed amount, without regard
1368 to any fixed proportion of the gross revenues of any project.
1369 Section 31. Section 331.333, Florida Statutes, is amended
1370 to read:
1371 331.333 Refunding bonds.--Space Florida ~~The authority~~
1372 through its board may ~~shall have the power to~~ issue bonds to
1373 provide for the retirement or refunding of any bonds or

1374 obligations of Space Florida ~~the authority~~ that at the time of
1375 such issuance are or subsequently thereto become due and
1376 payable, or that at the time of issuance have been called or are
1377 or will be subject to call for redemption within 10 years
1378 thereafter, or the surrender of which can be procured from the
1379 holders thereof at prices satisfactory to the board. Refunding
1380 bonds may be issued at any time when in the judgment of the
1381 board such issuance will be advantageous to Space Florida ~~the~~
1382 ~~authority~~. The provisions of this act pertaining to bonds of
1383 Space Florida ~~the authority~~ shall, unless the context otherwise
1384 requires, govern the issuance of refunding bonds, the form and
1385 other details thereof, the rights of the holders thereof, and
1386 the duties of the board with respect to the same.
1387 Section 32. Section 331.334, Florida Statutes, is amended
1388 to read:
1389 331.334 Pledging assessments and other revenues and
1390 properties as additional security on bonds.--Space Florida ~~The~~
1391 ~~authority~~ may pledge as additional security for the payment of
1392 any of the bonds of Space Florida ~~the authority~~ its full faith
1393 and credit, and provide that such bonds shall be payable as to
1394 both principal and interest, and as to any reserve or other
1395 funds provided therefor, to the full extent that any revenues as
1396 defined in this act, assessments, or other funds, or any
1397 combination thereof, pledged therefor are insufficient for the
1398 full payment of the same, and provided further that no bonds
1399 shall be issued to the payment of which the full faith and
1400 credit of Space Florida ~~the authority~~ is pledged unless approved
1401 at an election in the manner provided by law. Space Florida ~~The~~
1402 ~~authority~~ by resolution of the board may also pledge as
1403 additional security for said bonds the revenues from any project
1404 of Space Florida ~~the authority~~, utility service, assessments,

1405 and any other sources of revenue or funds, or any combination of
1406 the foregoing, and may pledge or mortgage any of the properties,
1407 rights, interest, or other assets of Space Florida ~~the~~
1408 ~~authority~~. Bonds issued by Space Florida ~~the authority~~ are not
1409 secured by the full faith and credit of the State of Florida and
1410 do not constitute an obligation, either general or special,
1411 thereof. The board may also provide with respect to any bonds of
1412 Space Florida ~~the authority~~ that such bonds shall be payable, in
1413 whole or in part, as to principal amount or interest, or both,
1414 out of rates, fees, rentals, tolls, fares, or other charges
1415 collected with respect to any of the projects of Space Florida
1416 ~~the authority~~.
1417 Section 33. Section 331.335, Florida Statutes, is amended
1418 to read:
1419 331.335 Lien of pledges.--All pledges of revenues and
1420 assessments made pursuant to the provisions of this act shall be
1421 valid and binding from the time when such pledges are made. All
1422 such revenues and assessments so pledged and thereafter
1423 collected shall immediately be subject to the lien of such
1424 pledges without any physical delivery thereof or further action,
1425 and the lien of such pledges shall be valid and binding as
1426 against all parties having claims of any kind in tort, contract,
1427 or otherwise against Space Florida ~~the authority~~, irrespective
1428 of whether such parties have notice thereof.
1429 Section 34. Section 331.336, Florida Statutes, is amended
1430 to read:
1431 331.336 Issuance of bond anticipation notes.--In addition
1432 to the other powers provided for in this act and not in
1433 limitation thereof, Space Florida may ~~the authority shall have~~
1434 ~~the power~~, at any time from time to time after the issuance of
1435 any bonds of Space Florida ~~the authority shall~~ have been

1436 authorized, ~~to~~ borrow money for the purposes for which such
1437 bonds are to be issued in anticipation of the receipt of the
1438 proceeds of the sale of such bonds and ~~to~~ issue bond
1439 anticipation notes in a principal amount not in excess of the
1440 authorized maximum amount of such bond issue. Such notes shall
1441 be in such denomination or denominations, bear interest at such
1442 rate or rates, mature at such time or times, be renewable for
1443 such additional term or terms, and be in such form and executed
1444 in such manner as the board shall prescribe. Such notes may be
1445 sold at public sale, or if such notes shall be renewable notes,
1446 may be exchanged for notes then outstanding on such terms as the
1447 board shall determine. Such notes shall be paid from the
1448 proceeds of such bonds when issued. The board may in its
1449 discretion, in lieu of retiring the notes by means of bonds,
1450 retire them by means of current revenues or from any assessments
1451 levied for the payment of such bonds, but in such event a like
1452 amount of the bonds authorized shall not be issued.
1453 Section 35. Section 331.337, Florida Statutes, is amended
1454 to read:
1455 331.337 Short-term borrowing.--Space Florida ~~The authority~~
1456 at any time may obtain loans, in such amount and on such terms
1457 and conditions as the board may approve, for the purpose of
1458 paying any of the expenses of Space Florida ~~the authority~~ or any
1459 costs incurred or that may be incurred in connection with any of
1460 the projects of Space Florida ~~the authority~~, which loans shall
1461 have such term or terms, be renewable for such term or terms,
1462 bear interest at such rate or rates, and be payable from and
1463 secured by a pledge of such funds, revenues, and assessments as
1464 the board may determine. For the purpose of defraying such costs
1465 and expenses, Space Florida ~~the authority~~ may issue negotiable
1466 notes, warrants, or other evidences of debt signed on behalf of

1467 Space Florida ~~the authority~~ by any one of the board, such notes
1468 or other evidences of indebtedness to be payable at such time or
1469 times, to bear interest at such rate or rates, and to be sold or
1470 discounted at such price or prices and on such term or terms as
1471 the board may deem advisable. The board may ~~shall have the right~~
1472 ~~to~~ provide for the payment thereof by pledging the whole or any
1473 part of the funds, revenues, and assessments of Space Florida
1474 ~~the authority~~.
1475 Section 36. Section 331.338, Florida Statutes, is amended
1476 to read:
1477 331.338 Trust agreements.--In the discretion of the board,
1478 any issue of bonds may be secured by a trust agreement by and
1479 between Space Florida ~~the authority~~ and a corporate trustee
1480 which may be any trust company or bank having the powers of a
1481 trust company within or without the state. The resolution
1482 authorizing the issuance of the bonds or such trust agreement
1483 may pledge the revenues to be received from any projects of
1484 Space Florida ~~the authority~~ and any other authorized moneys to
1485 be used for the repayment of bonds, and may contain such
1486 provisions for protecting and enforcing the rights and remedies
1487 of the bondholders as the board may approve, including without
1488 limitation covenants setting forth the duties of Space Florida
1489 ~~the authority~~ in relation to the acquisition, planning,
1490 development, construction, reconstruction, improvement,
1491 maintenance, repair, operation, and insurance of any projects,
1492 the fixing and revision of the rates, fees, rentals, tolls,
1493 fares, and charges, and the custody, safeguarding, and
1494 application of all moneys, and for the employment of consulting
1495 engineers in connection with such acquisition, planning,
1496 development, construction, reconstruction, improvement,
1497 maintenance, repair, or operation. It shall be lawful for any

1498 bank or trust company incorporated under the laws of the state
1499 or the United States which may act as a depository of the
1500 proceeds of bonds or of revenues to furnish such indemnifying
1501 bonds or to pledge such securities as may be required by Space
1502 Florida ~~the authority~~. Such resolution or trust agreement may
1503 set forth the rights and remedies of the bondholders and of the
1504 trustee, if any, and may restrict the individual right of action
1505 by bondholders. The board may provide for the payment of the
1506 proceeds of the sale of the bonds and the revenues of any
1507 project to such officer, board, or depository as it may
1508 designate for the custody thereof, and for the method of
1509 disbursement thereof, with such safeguards and restrictions as
1510 it may determine. All expenses incurred in carrying out the
1511 provisions of such resolution or trust agreement may be treated
1512 as part of the cost of the project to which such trust agreement
1513 pertains.
1514 Section 37. Section 331.339, Florida Statutes, is amended
1515 to read:
1516 331.339 Sale of bonds.--Bonds may be sold in blocks or
1517 installments at different times, or an entire issue or series
1518 may be sold at one time. Bonds may only be sold at public sale
1519 after being advertised and publicly noticed, unless Space
1520 Florida ~~the authority~~ has previously complied with the
1521 provisions of s. 218.385. Bonds may be sold or exchanged for
1522 refunding bonds. Special assessment and revenue bonds may be
1523 delivered as payment by Space Florida ~~the authority~~ of the
1524 purchase price or lease of any project or part thereof, or a
1525 combination of projects or parts thereof, or as the purchase
1526 price of, or exchange for, any property, real, personal, or
1527 mixed, including franchises, or services rendered by any
1528 contractor, engineer, or other person, all at one time or in

1529 blocks from time to time, in such manner and upon such terms as
1530 the board in its discretion shall determine. The price or prices
1531 for any bonds sold, exchanged, or delivered may be:
1532 (1) The money paid for the bonds.
1533 (2) The principal amount, plus accrued interest to date of
1534 redemption or exchange, of outstanding obligations exchanged for
1535 refunding bonds.
1536 (3) In the case of special assessment or revenue bonds,
1537 the amount of any indebtedness to contractors or other persons
1538 paid with such bonds, or the fair value of any properties
1539 exchanged for the bonds, as determined by the board.
1540 Section 38. Section 331.340, Florida Statutes, is amended
1541 to read:
1542 331.340 Authorization and form of bonds.--Bonds may be
1543 authorized by resolution or resolutions of the board which shall
1544 be adopted by a majority of all of the members thereof then in
1545 office and present at the meeting at which the resolution or
1546 resolutions are adopted and shall be approved as provided in s.
1547 331.305. The resolution or resolutions of the board may be
1548 adopted at the same meeting at which they are introduced, and
1549 shall be published and noticed. The board may by resolution
1550 authorize the issuance of bonds, fix the aggregate amount of
1551 bonds to be issued, the purpose or purposes for which the moneys
1552 derived therefrom shall be expanded, the rate or rates of
1553 interest, the denomination of the bonds, whether or not the
1554 bonds are to be issued in one or more series, the date or dates
1555 thereof, the date or dates of maturity, which shall not exceed
1556 40 years from their respective dates of issuance, the medium of
1557 payment, the place or places within or without the state where
1558 payment shall be made, registration privileges, redemption terms
1559 and privileges (whether with or without premium), the manner of

1560 execution, the form of the bonds including any interest coupons
1561 to be attached thereto, the manner of execution of bonds and
1562 coupons, and any and all other terms, covenants, and conditions
1563 thereof, and the establishment of reserve or other funds. Such
1564 authorizing resolution may further provide that such bonds may
1565 be executed manually or by engraved, lithographed, or facsimile
1566 signature, provided that where signatures are engraved,
1567 lithographed, or facsimile no bond shall be valid unless
1568 countersigned by a registrar or other officer designated by
1569 appropriate resolution of the board. The seal of Space Florida
1570 ~~the authority~~ may be affixed, lithographed, engraved, or
1571 otherwise reproduced in facsimile on such bonds. In case any
1572 officer whose signature or a facsimile of whose signature shall
1573 appear on any bonds or coupons shall cease to be such officer
1574 before the delivery of such bonds, such signature or facsimile
1575 shall nevertheless be valid and sufficient for all purposes the
1576 same as if the officer had remained in office until such
1577 delivery.
1578 Section 39. Section 331.343, Florida Statutes, is amended
1579 to read:
1580 331.343 Defeasance.--The board may make such provision
1581 with respect to the defeasance of the right, title, and interest
1582 of the holders of any of the bonds and obligations of Space
1583 Florida ~~the authority~~ in any revenues, funds, or other
1584 properties by which such bonds are secured as the board deems
1585 appropriate and, without limitation on the foregoing, may
1586 provide that when such bonds or obligations become due and
1587 payable or shall have been called for redemption, and the whole
1588 amount of the principal and the interest and premium, if any,
1589 due and payable upon the bonds or obligations when outstanding
1590 shall be paid, or sufficient moneys or direct obligations of the

1591 United States Government the principal of and the interest on
1592 which when due will provide sufficient moneys, shall be held or
1593 deposited in trust for such purpose, and provision shall also be
1594 made for paying all other sums payable in connection with such
1595 bonds or other obligations, then and in such event the right,
1596 title, and interest of the holders of the bonds in any revenues,
1597 funds, or other properties by which such bonds are secured shall
1598 thereupon cease, terminate, and become void; and the board may
1599 apply any surplus in any sinking fund established in connection
1600 with such bonds or obligations and all balances remaining in all
1601 other funds or accounts other than money held for the redemption
1602 or payment of the bonds or other obligations to any lawful
1603 purpose of Space Florida ~~the authority~~ as the board shall
1604 determine.

1605 Section 40. Section 331.345, Florida Statutes, is amended
1606 to read:

1607 331.345 Covenants.--Any resolution authorizing the
1608 issuance of bonds may contain such covenants as the board may
1609 deem advisable and all such covenants shall constitute valid and
1610 legally binding and enforceable contracts between Space Florida
1611 ~~the authority~~ and the bondholders, regardless of the time of
1612 issuance thereof. Such covenants may include, without
1613 limitation, covenants concerning the disposition of the bond
1614 proceeds, the use and disposition of project revenues, the
1615 pledging of revenues, and assessments, the obligations of Space
1616 Florida ~~the authority~~ with respect to the operation of the
1617 project and the maintenance of adequate project revenues, the
1618 issuance of additional bonds, the appointment, powers, and
1619 duties of trustees and receivers, the acquisition of outstanding
1620 bonds and obligations, restrictions on the establishing of
1621 competing projects or facilities, restrictions on the sale or

1622 disposal of the assets and property of Space Florida ~~the~~
1623 ~~authority~~, the priority of assessment liens, the priority of
1624 claims by bondholders on the taxing power of Space Florida ~~the~~
1625 ~~authority~~, the maintenance of deposits to assure the payment of
1626 revenues by users of spaceport facilities and services, the
1627 discontinuance of Space Florida ~~authority~~ services by reason of
1628 delinquent payments, acceleration upon default, the execution of
1629 necessary instruments, the procedure for amending or abrogating
1630 covenants with the bondholders, and such other covenants as may
1631 be deemed necessary or desirable for the security of the
1632 bondholders.

1633 Section 41. Section 331.346, Florida Statutes, is amended
1634 to read:

1635 331.346 Validity of bonds; validation proceedings.--Any
1636 bonds issued by Space Florida ~~the authority~~ shall be
1637 incontestable in the hands of bona fide purchasers or holders
1638 for value and shall not be invalid because of any irregularity
1639 or defect in the proceedings for the issue and sale thereof.
1640 Prior to the issuance of any bonds, Space Florida ~~the authority~~
1641 shall publish a notice at least once in a newspaper or
1642 newspapers published or of general circulation in the
1643 appropriate counties in the state, stating the date of adoption
1644 of the resolution authorizing such obligations, the amount,
1645 maximum rate of interest, and maturity of such obligations, and
1646 the purpose in general terms for which such obligations are to
1647 be issued, and further stating that no action or proceeding
1648 questioning the validity of such obligations or of the
1649 proceedings authorizing the issuance thereof, or of any
1650 covenants made therein, must be instituted within 20 days after
1651 the first publication of such notice, or the validity of such
1652 obligations, proceedings, and covenants shall not be thereafter

1653 questioned in any court whatsoever. If no such action or
1654 proceeding is so instituted within such 20-day period, then the
1655 validity of such obligations, proceedings, and covenants shall
1656 be conclusive, and all persons or parties whatsoever shall be
1657 forever barred from questioning the validity of such
1658 obligations, proceedings, or covenants in any court whatsoever.
1659 Section 42. Section 331.347, Florida Statutes, is amended
1660 to read:
1661 331.347 Act furnishes full authority for issuance of
1662 bonds.--This act constitutes full and complete authority for the
1663 issuance of bonds and the exercise of the powers of Space
1664 Florida ~~the authority~~ provided herein. Any and all bonds issued
1665 by Space Florida ~~the authority~~ shall not be secured by the full
1666 faith and credit of the State of Florida and do not constitute
1667 an obligation, either general or special, thereof.
1668 Section 43. Section 331.348, Florida Statutes, is amended
1669 to read:
1670 331.348 Investment of funds.--The board may in its
1671 discretion invest funds of Space Florida ~~the authority~~ through
1672 the Chief Financial Officer or in:
1673 (1) Direct obligations of or obligations guaranteed by the
1674 United States or for the payment of the principal and interest
1675 of which the faith and credit of the United States is pledged;
1676 (2) Bonds or notes issued by any of the following federal
1677 agencies: Bank for Cooperatives; federal intermediate credit
1678 banks; federal home loan bank system; federal land banks; or the
1679 Federal National Mortgage Association (including debentures or
1680 participating certificates issued by such association);
1681 (3) Public housing bonds issued by public housing
1682 authorities and secured by a pledge or annual contributions

1683 under an annual contribution contract or contracts with the
1684 United States;
1685 (4) Bonds or other interest-bearing obligations of any
1686 county, district, city, or town located in the state for which
1687 the full faith and credit of such political subdivision is
1688 pledged;
1689 (5) Any investment authorized for insurers by ss. 625.306-
1690 625.316 and amendments thereto; or
1691 (6) Any investment authorized under s. 17.57 and
1692 amendments thereto.
1693 Section 44. Section 331.349, Florida Statutes, is amended
1694 to read:
1695 331.349 Fiscal year of Space Florida ~~the authority~~.--The
1696 board may ~~has the power to~~ establish and from time to time
1697 redetermine the fiscal year of Space Florida ~~the authority~~.
1698 Unless the board otherwise provides, Space Florida's ~~the~~
1699 ~~authority's~~ fiscal year shall be July 1 through June 30.
1700 Section 45. Section 331.350, Florida Statutes, is amended
1701 to read:
1702 331.350 Insurance coverage of Space Florida ~~the authority~~;
1703 safety program.--
1704 (1) Notwithstanding any other provision of law, the State
1705 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1706 not insure buildings and property owned or leased by Space
1707 Florida ~~the authority~~.
1708 (2) Notwithstanding any other provision of law, the State
1709 Risk Management Trust Fund established under s. 284.30 may ~~shall~~
1710 not insure against any liability of Space Florida ~~the authority~~.
1711 (3) Space Florida ~~The authority~~ shall establish a safety
1712 program. The safety program shall include:

1713 (a) The development and implementation of a loss
1714 prevention program which shall consist of a comprehensive
1715 ~~authority wide~~ safety program for all of Space Florida,
1716 including a statement, established by the board of directors
1717 ~~supervisors~~, of safety policy and responsibility.
1718 (b) Provision for regular and periodic facility and
1719 equipment inspections.
1720 (c) Investigation of job-related employee accidents and
1721 other accidents occurring on the premises of Space Florida ~~the~~
1722 ~~authority~~ or within areas of its jurisdiction.
1723 (d) Establishment of a program to promote increased safety
1724 awareness among employees, agents, and subcontractors of Space
1725 Florida ~~the authority~~.
1726 (4)(a) Space Florida ~~The authority~~ shall, if available,
1727 secure insurance coverage within reasonable limits for liability
1728 which may arise as a consequence of its responsibilities.
1729 (b) Space Florida ~~The authority~~ shall, if available, and
1730 if cost-effective, secure insurance coverage on its buildings,
1731 facilities, and property at reasonable levels.
1732 (c) Space Florida ~~The authority~~, with respect to the
1733 purchase of insurance, shall be subject to the applicable
1734 provisions of chapter 287 and other applicable law.
1735 Section 46. Section 331.351, Florida Statutes, is amended
1736 to read:
1737 331.351 Participation by women, minorities, and socially
1738 and economically disadvantaged business enterprises
1739 encouraged.--It is the intent of the Legislature and the public
1740 policy of this state that women, minorities, and socially and
1741 economically disadvantaged business enterprises be encouraged to
1742 participate fully in all phases of economic and community
1743 development. Accordingly, to achieve such purpose, Space Florida

1744 ~~the authority~~ shall, in accordance with applicable state and
1745 federal law, involve and utilize women, minorities, and socially
1746 and economically disadvantaged business enterprises in all
1747 phases of the design, development, construction, maintenance,
1748 and operation of spaceports developed under this act.
1749 Section 47. Section 331.354, Florida Statutes, is amended
1750 to read:
1751 331.354 Tax exemption.--The exercise of the powers granted
1752 by this act in all respects shall be for the benefit of the
1753 people of the state, for the increase of their industry and
1754 prosperity, for the improvement of their health and living
1755 conditions, and for the provision of gainful employment and
1756 shall constitute the performance of essential public functions.
1757 Space Florida is ~~The authority shall~~ not ~~be~~ required to pay any
1758 taxes on any project or any other property owned by Space
1759 Florida ~~the authority~~ under ~~the provisions of~~ this act or upon
1760 the income therefrom. The bonds issued under ~~the provisions of~~
1761 this act or upon the income therefrom (including any profit made
1762 on the sale thereof), and all notes, mortgages, security
1763 agreements, letters of credit, or other instruments which arise
1764 out of or are given to secure the repayment of bonds issued in
1765 connection with a project financed under this act, shall at all
1766 times be free from taxation by the state or any local unit,
1767 political subdivision, or other instrumentality of the state.
1768 ~~Nothing in~~ This section, however, does not exempt ~~shall be~~
1769 ~~construed as exempting~~ from taxation or assessments the
1770 leasehold interest of a lessee in any project or any other
1771 property or interest owned by the lessee. The exemption granted
1772 by this section is ~~shall~~ not ~~be~~ applicable to any tax imposed by
1773 chapter 220 on interest, income, or profits on debt obligations
1774 owned by corporations.

1775 Section 48. Section 331.355, Florida Statutes, is amended
1776 to read:
1777 331.355 Use of name; ownership rights to intellectual
1778 property.--
1779 (1)(a) The corporate name of a corporation incorporated or
1780 authorized to transact business in this state, or the name of
1781 any person or business entity transacting business in this
1782 state, may not use the words "Space Florida," "Florida Space
1783 Authority," "Florida Aerospace Finance Corporation," "Florida
1784 Space Research Institute," "spaceport Florida," or "Florida
1785 spaceport" in its name unless Space Florida ~~the authority~~ gives
1786 written approval for such use.
1787 (b) The Department of State may dissolve, pursuant to s.
1788 607.1421, any corporation that violates paragraph (a).
1789 (2) Notwithstanding any provision of chapter 286, the
1790 legal title and every right, interest, claim, or demand of any
1791 kind in and to any patent, trademark, copyright, certification
1792 mark, or other right acquired under the patent and trademark
1793 laws of the United States or this state or any foreign country,
1794 or the application for the same, as is owned or held, acquired,
1795 or developed by Space Florida ~~the authority~~, under the authority
1796 and directions given it by this part, is vested in Space Florida
1797 ~~the authority~~ for the use, benefit, and purposes provided in
1798 this part. Space Florida ~~The authority~~ is vested with and is
1799 authorized to exercise any and all of the normal incidents of
1800 such ownership, including the receipt and disposition of
1801 royalties. Any sums received as royalties from any such rights
1802 are hereby appropriated to Space Florida ~~the authority~~ for any
1803 and all of the purposes and uses provided in this part.
1804 Section 49. Section 331.360, Florida Statutes, is amended
1805 to read:

1806 331.360 Joint project agreement or assistance; spaceport
1807 master plan.--
1808 (1) It shall be the duty, function, and responsibility of
1809 the Department of Transportation to promote the further
1810 development and improvement of aerospace transportation
1811 facilities; to address intermodal requirements and impacts of
1812 the launch ranges, spaceports, and other space transportation
1813 facilities; to assist in the development of joint-use facilities
1814 and technology that support aviation and aerospace operations;
1815 and to facilitate and promote cooperative efforts between
1816 federal and state government entities to improve space
1817 transportation capacity and efficiency. In carrying out this
1818 duty and responsibility, the department may assist and advise,
1819 cooperate with, and coordinate with federal, state, local, or
1820 private organizations and individuals. The department may
1821 administratively house its space transportation responsibilities
1822 within an existing division or office.
1823 (2) Notwithstanding any other provision of law, the
1824 Department of Transportation may enter into a joint project
1825 agreement with, or otherwise assist, ~~the Florida~~ Space Florida
1826 ~~Authority~~ as necessary to effectuate the provisions of this
1827 chapter and may allocate funds for such purposes in its 5-year
1828 work program. However, the department may not fund the
1829 administrative or operational costs of Space Florida ~~the~~
1830 ~~authority~~.
1831 (3) Space Florida ~~The authority~~ shall develop a spaceport
1832 master plan for expansion and modernization of space
1833 transportation facilities within spaceport territories as
1834 defined in s. 331.303(22)~~(23)~~. The plan shall contain
1835 recommended projects to meet current and future commercial,
1836 national, and state space transportation requirements. Space

1837 Florida ~~The authority~~ shall submit the plan to any appropriate
1838 metropolitan planning organization ~~M.P.O.~~ for review of
1839 intermodal impacts. Space Florida ~~The authority~~ shall submit the
1840 spaceport master plan to the Department of Transportation, and
1841 such plan may be included within the department's 5-year work
1842 program of qualifying aerospace discretionary capacity
1843 improvement under subsection (4). The plan shall identify
1844 appropriate funding levels and include recommendations on
1845 appropriate sources of revenue that may be developed to
1846 contribute to the State Transportation Trust Fund.
1847 (4) Subject to the availability of appropriated funds, the
1848 department may participate in the capital cost of eligible
1849 spaceport discretionary capacity improvement projects. The
1850 annual legislative budget request shall be based on the proposed
1851 funding requested for approved spaceport discretionary capacity
1852 improvement projects.
1853 Section 50. Section 331.369, Florida Statutes, is amended
1854 to read:
1855 331.369 Space Industry Workforce Initiative.--
1856 (1) The Legislature finds that the aerospace industry is
1857 critical to the economic future of the state and that the
1858 competitiveness of the industry in the state depends upon the
1859 development and maintenance of a qualified workforce. The
1860 Legislature further finds that the aerospace industry in this
1861 state has diverse and complex workforce needs, including, but
1862 not limited to, the need for qualified entry-level workers, the
1863 need to upgrade the skills of technician-level incumbent
1864 workers, and the need to ensure continuing education
1865 opportunities for workers with advanced educational degrees. It
1866 is the intent of the Legislature to support programs designed to

1867 address the workforce development needs of the aerospace
1868 industry in this state.
1869 (2) The Workforce Development Board of Enterprise Florida,
1870 Inc., or it successor entity, shall coordinate development of a
1871 Space Industry Workforce Initiative in partnership with Space
1872 Florida, ~~the Florida Space Research Institute, the institute's~~
1873 ~~consortium of~~ public and private universities, community
1874 colleges, and other training providers approved by the board.
1875 The purpose of the initiative is to use or revise existing
1876 programs and to develop innovative new programs to address the
1877 workforce needs of the aerospace industry.
1878 (3) The initiative shall emphasize:
1879 (a) Curricula content and timeframes developed with
1880 industry participation and endorsed by the industry;
1881 (b) Programs that certify persons completing training as
1882 meeting industry-approved standards or competencies;
1883 (c) Use of distance-learning and computer-based training
1884 modules as appropriate and feasible;
1885 (d) Industry solicitation of public and private
1886 universities to develop continuing education programs at the
1887 master's and doctoral levels;
1888 (e) Agreements with the National Aeronautics and Space
1889 Administration to replicate on a national level successful
1890 training programs developed through the initiative; and
1891 (f) Leveraging of state and federal workforce funds.
1892 (4) The Workforce Development Board of Enterprise Florida,
1893 Inc., or its successor entity, with the assistance of Space
1894 Florida ~~the Florida Space Research Institute~~, shall convene
1895 representatives from the aerospace industry to identify the
1896 priority training and education needs of the industry and to

1897 appoint a team to design programs to meet the ~~such~~ priority
1898 needs.
1899 (5) The Workforce Development Board of Enterprise Florida,
1900 Inc., or its successor entity, as part of its statutorily
1901 prescribed annual report to the Legislature, shall provide
1902 recommendations for policies, programs, and funding to enhance
1903 the workforce needs of the aerospace industry.
1904 Section 51. Paragraph (g) of subsection (2) of section
1905 14.2015, Florida Statutes, is amended to read:
1906 14.2015 Office of Tourism, Trade, and Economic
1907 Development; creation; powers and duties.--
1908 (2) The purpose of the Office of Tourism, Trade, and
1909 Economic Development is to assist the Governor in working with
1910 the Legislature, state agencies, business leaders, and economic
1911 development professionals to formulate and implement coherent
1912 and consistent policies and strategies designed to provide
1913 economic opportunities for all Floridians. To accomplish such
1914 purposes, the Office of Tourism, Trade, and Economic Development
1915 shall:
1916 (g) Serve as contract administrator for the state with
1917 respect to contracts with Enterprise Florida, Inc., the Florida
1918 Commission on Tourism, Space Florida, and all direct-support
1919 organizations under this act, excluding those relating to
1920 tourism. To accomplish the provisions of this act and applicable
1921 provisions of chapter 288, and notwithstanding the provisions of
1922 part I of chapter 287, the office shall enter into specific
1923 contracts with Enterprise Florida, Inc., the Florida Commission
1924 on Tourism, and other appropriate direct-support organizations.
1925 Such contracts may be multiyear and shall include specific
1926 performance measures for each year.

1927 Section 52. Section 74.011, Florida Statutes, is amended
1928 to read:
1929 74.011 Scope.--In any eminent domain action, properly
1930 instituted by and in the name of the state; the Department of
1931 Transportation; any county, school board, municipality,
1932 expressway authority, regional water supply authority,
1933 transportation authority, flood control district, or drainage or
1934 subdrainage district; the ship canal authority; any lawfully
1935 constituted housing, port, or aviation authority; ~~the Florida~~
1936 ~~Space Authority;~~ or any rural electric cooperative, telephone
1937 cooperative corporation, or public utility corporation, the
1938 petitioner may avail itself of the provisions of this chapter to
1939 take possession and title in advance of the entry of final
1940 judgment.
1941 Section 53. Subsection (6) of section 196.012, Florida
1942 Statutes, is amended to read:
1943 196.012 Definitions.--For the purpose of this chapter, the
1944 following terms are defined as follows, except where the context
1945 clearly indicates otherwise:
1946 (6) Governmental, municipal, or public purpose or function
1947 shall be deemed to be served or performed when the lessee under
1948 any leasehold interest created in property of the United States,
1949 the state or any of its political subdivisions, or any
1950 municipality, agency, special district, authority, or other
1951 public body corporate of the state is demonstrated to perform a
1952 function or serve a governmental purpose which could properly be
1953 performed or served by an appropriate governmental unit or which
1954 is demonstrated to perform a function or serve a purpose which
1955 would otherwise be a valid subject for the allocation of public
1956 funds. For purposes of the preceding sentence, an activity
1957 undertaken by a lessee which is permitted under the terms of its

1958 lease of real property designated as an aviation area on an
1959 airport layout plan which has been approved by the Federal
1960 Aviation Administration and which real property is used for the
1961 administration, operation, business offices and activities
1962 related specifically thereto in connection with the conduct of
1963 an aircraft full service fixed base operation which provides
1964 goods and services to the general aviation public in the
1965 promotion of air commerce shall be deemed an activity which
1966 serves a governmental, municipal, or public purpose or function.
1967 Any activity undertaken by a lessee which is permitted under the
1968 terms of its lease of real property designated as a public
1969 airport as defined in s. 332.004(14) by municipalities,
1970 agencies, special districts, authorities, or other public bodies
1971 corporate and public bodies politic of the state, a spaceport as
1972 defined in s. 331.303(19), or which is located in a deepwater
1973 port identified in s. 403.021(9)(b) and owned by one of the
1974 foregoing governmental units, subject to a leasehold or other
1975 possessory interest of a nongovernmental lessee that is deemed
1976 to perform an aviation, airport, aerospace, maritime, or port
1977 purpose or operation shall be deemed an activity that serves a
1978 governmental, municipal, or public purpose. The use by a lessee,
1979 licensee, or management company of real property or a portion
1980 thereof as a convention center, visitor center, sports facility
1981 with permanent seating, concert hall, arena, stadium, park, or
1982 beach is deemed a use that serves a governmental, municipal, or
1983 public purpose or function when access to the property is open
1984 to the general public with or without a charge for admission. If
1985 property deeded to a municipality by the United States is
1986 subject to a requirement that the Federal Government, through a
1987 schedule established by the Secretary of the Interior, determine
1988 that the property is being maintained for public historic

1989 preservation, park, or recreational purposes and if those
1990 conditions are not met the property will revert back to the
1991 Federal Government, then such property shall be deemed to serve
1992 a municipal or public purpose. The term "governmental purpose"
1993 also includes a direct use of property on federal lands in
1994 connection with the Federal Government's Space Exploration
1995 Program or spaceport activities as defined in s. 212.02(22).
1996 Real property and tangible personal property owned by the
1997 Federal Government or Space Florida ~~the Florida Space Authority~~
1998 and used for defense and space exploration purposes or which is
1999 put to a use in support thereof shall be deemed to perform an
2000 essential national governmental purpose and shall be exempt.
2001 "Owned by the lessee" as used in this chapter does not include
2002 personal property, buildings, or other real property
2003 improvements used for the administration, operation, business
2004 offices and activities related specifically thereto in
2005 connection with the conduct of an aircraft full service fixed
2006 based operation which provides goods and services to the general
2007 aviation public in the promotion of air commerce provided that
2008 the real property is designated as an aviation area on an
2009 airport layout plan approved by the Federal Aviation
2010 Administration. For purposes of determination of "ownership,"
2011 buildings and other real property improvements which will revert
2012 to the airport authority or other governmental unit upon
2013 expiration of the term of the lease shall be deemed "owned" by
2014 the governmental unit and not the lessee. Providing two-way
2015 telecommunications services to the public for hire by the use of
2016 a telecommunications facility, as defined in s. 364.02(15), and
2017 for which a certificate is required under chapter 364 does not
2018 constitute an exempt use for purposes of s. 196.199, unless the
2019 telecommunications services are provided by the operator of a

2020 public-use airport, as defined in s. 332.004, for the operator's
2021 provision of telecommunications services for the airport or its
2022 tenants, concessionaires, or licensees, or unless the
2023 telecommunications services are provided by a public hospital.
2024 However, property that is being used to provide such
2025 telecommunications services on or before October 1, 1997, shall
2026 remain exempt, but such exemption expires October 1, 2004.
2027 Section 54. Subsection (22) of section 212.02, Florida
2028 Statutes, is amended to read:
2029 212.02 Definitions.--The following terms and phrases when
2030 used in this chapter have the meanings ascribed to them in this
2031 section, except where the context clearly indicates a different
2032 meaning:
2033 (22) "Spaceport activities" means activities directed or
2034 sponsored by Space Florida ~~the Florida Space Authority~~ on
2035 spaceport territory pursuant to its powers and responsibilities
2036 under the Space Florida Act ~~Florida Space Authority Act~~.
2037 Section 55. Subsection (7) of section 288.063, Florida
2038 Statutes, is amended to read:
2039 288.063 Contracts for transportation projects.--
2040 (7) For the purpose of this section, Space Florida ~~the~~
2041 ~~Florida Space Authority~~ may serve as the local government or as
2042 the contracting agency for transportation projects within
2043 spaceport territory as defined by s. 331.304.
2044 Section 56. Subsection (1) of section 288.075, Florida
2045 Statutes, is amended to read:
2046 288.075 Confidentiality of records.--
2047 (1) As used in this section, the term "economic
2048 development agency" means the Office of Tourism, Trade, and
2049 Economic Development, any industrial development authority
2050 created in accordance with part III of chapter 159 or by special

2051 law, Space Florida ~~the Florida Space Authority~~ created in part
2052 II of chapter 331, ~~the Florida Aerospace Finance Corporation~~
2053 ~~created in part III of chapter 331,~~ the public economic
2054 development agency of a county or municipality, or any research
2055 and development authority created in accordance with part V of
2056 chapter 159. The term also includes any private agency, person,
2057 partnership, corporation, or business entity when authorized by
2058 the state, a municipality, or a county to promote the general
2059 business interests or industrial interests of the state or that
2060 municipality or county.
2061 Section 57. Subsection (2) of section 288.35, Florida
2062 Statutes, is amended to read:
2063 288.35 Definitions.--The following terms, wherever used or
2064 referred to in this part, shall have the following meanings:
2065 (2) "Government agency" means the state or any county or
2066 political subdivision thereof; any state agency; any
2067 consolidated government of a county, and some or all of the
2068 municipalities located within the ~~said~~ county; any chartered
2069 municipality in the state; and any of the institutions of such
2070 consolidated governments, counties, or municipalities.
2071 Specifically included are airports, port authorities, industrial
2072 authorities, and Space Florida ~~the Florida Space Authority~~.
2073 Section 58. Subsection (2) of section 288.9415, Florida
2074 Statutes, is amended to read:
2075 288.9415 International Trade Grants.--
2076 (2) A county, municipality, economic development council,
2077 Space Florida ~~the Florida Space Authority~~, or a not-for-profit
2078 association of businesses organized to assist in the promotion
2079 of international trade may apply for a grant of state funds for
2080 the promotion of international trade.

2081 Section 59. Paragraph (j) of subsection (5) of section
2082 212.08, Florida Statutes, is amended to read:
2083 212.08 Sales, rental, use, consumption, distribution, and
2084 storage tax; specified exemptions.--The sale at retail, the
2085 rental, the use, the consumption, the distribution, and the
2086 storage to be used or consumed in this state of the following
2087 are hereby specifically exempt from the tax imposed by this
2088 chapter.
2089 (5) EXEMPTIONS; ACCOUNT OF USE.--
2090 (j) Machinery and equipment used in semiconductor,
2091 defense, or space technology production and research and
2092 development.--
2093 1.a. Industrial machinery and equipment used in
2094 semiconductor technology facilities certified under subparagraph
2095 6. to manufacture, process, compound, or produce semiconductor
2096 technology products for sale or for use by these facilities are
2097 exempt from the tax imposed by this chapter. For purposes of
2098 this paragraph, industrial machinery and equipment includes
2099 molds, dies, machine tooling, other appurtenances or accessories
2100 to machinery and equipment, testing equipment, test beds,
2101 computers, and software, whether purchased or self-fabricated,
2102 and, if self-fabricated, includes materials and labor for
2103 design, fabrication, and assembly.
2104 b. Industrial machinery and equipment used in defense or
2105 space technology facilities certified under subparagraph 6. to
2106 design, manufacture, assemble, process, compound, or produce
2107 defense technology products or space technology products for
2108 sale or for use by these facilities are exempt from ~~25 percent~~
2109 ~~of~~ the tax imposed by this chapter.
2110 2.a. Machinery and equipment are exempt from the tax
2111 imposed by this chapter if used predominately in semiconductor

2112 wafer research and development activities in a semiconductor
2113 technology research and development facility certified under
2114 subparagraph 6. For purposes of this paragraph, machinery and
2115 equipment includes molds, dies, machine tooling, other
2116 appurtenances or accessories to machinery and equipment, testing
2117 equipment, test beds, computers, and software, whether purchased
2118 or self-fabricated, and, if self-fabricated, includes materials
2119 and labor for design, fabrication, and assembly.

2120 b. Machinery and equipment are exempt from ~~25 percent of~~
2121 the tax imposed by this chapter if used predominately in defense
2122 or space research and development activities in a defense or
2123 space technology research and development facility certified
2124 under subparagraph 6.

2125 3. Building materials purchased for use in manufacturing
2126 or expanding clean rooms in semiconductor-manufacturing
2127 facilities are exempt from the tax imposed by this chapter.

2128 4. In addition to meeting the criteria mandated by
2129 subparagraph 1., subparagraph 2., or subparagraph 3., a business
2130 must be certified by the Office of Tourism, Trade, and Economic
2131 Development as authorized in this paragraph in order to qualify
2132 for exemption under this paragraph.

2133 5. For items purchased tax exempt pursuant to this
2134 paragraph, possession of a written certification from the
2135 purchaser, certifying the purchaser's entitlement to exemption
2136 pursuant to this paragraph, relieves the seller of the
2137 responsibility of collecting the tax on the sale of such items,
2138 and the department shall look solely to the purchaser for
2139 recovery of tax if it determines that the purchaser was not
2140 entitled to the exemption.

2141 6.a. To be eligible to receive the exemption provided by
2142 subparagraph 1., subparagraph 2., or subparagraph 3., a

2143 qualifying business entity shall apply to Enterprise Florida,
2144 Inc. The application shall be developed by the Office of
2145 Tourism, Trade, and Economic Development in consultation with
2146 Enterprise Florida, Inc.
2147 b. Enterprise Florida, Inc., shall review each submitted
2148 application and information and determine whether or not the
2149 application is complete within 5 working days. Once an
2150 application is complete, Enterprise Florida, Inc., shall, within
2151 10 working days, evaluate the application and recommend approval
2152 or disapproval of the application to the Office of Tourism,
2153 Trade, and Economic Development.
2154 c. Upon receipt of the application and recommendation from
2155 Enterprise Florida, Inc., the Office of Tourism, Trade, and
2156 Economic Development shall certify within 5 working days those
2157 applicants who are found to meet the requirements of this
2158 section and notify the applicant, Enterprise Florida, Inc., and
2159 the department of the certification. If the Office of Tourism,
2160 Trade, and Economic Development finds that the applicant does
2161 not meet the requirements of this section, it shall notify the
2162 applicant and Enterprise Florida, Inc., within 10 working days
2163 that the application for certification has been denied and the
2164 reasons for denial. The Office of Tourism, Trade, and Economic
2165 Development has final approval authority for certification under
2166 this section.
2167 7.a. A business may apply once each year for the
2168 exemption.
2169 b. The application must indicate, for program evaluation
2170 purposes only, the average number of full-time equivalent
2171 employees at the facility over the preceding calendar year, the
2172 average wage and benefits paid to those employees over the
2173 preceding calendar year, the total investment made in real and

2174 tangible personal property over the preceding calendar year, and
2175 the total value of tax-exempt purchases and taxes exempted
2176 during the previous year. The department shall assist the Office
2177 of Tourism, Trade, and Economic Development in evaluating and
2178 verifying information provided in the application for exemption.
2179 c. The Office of Tourism, Trade, and Economic Development
2180 may use the information reported on the application for
2181 evaluation purposes only and shall prepare an annual report on
2182 the exemption program and its cost and impact. The annual report
2183 for the preceding fiscal year shall be submitted to the
2184 Governor, the President of the Senate, and the Speaker of the
2185 House of Representatives by September 30 of each fiscal year.
2186 8. A business certified to receive this exemption may
2187 elect to designate one or more state universities or community
2188 colleges as recipients of up to 100 percent of the amount of the
2189 exemption for which they may qualify. To receive these funds,
2190 the institution must agree to match the funds so earned with
2191 equivalent cash, programs, services, or other in-kind support on
2192 a one-to-one basis in the pursuit of research and development
2193 projects as requested by the certified business. The rights to
2194 any patents, royalties, or real or intellectual property must be
2195 vested in the business unless otherwise agreed to by the
2196 business and the university or community college.
2197 9. As used in this paragraph, the term:
2198 a. "Predominately" means at least 50 percent of the time
2199 in qualifying research and development.
2200 b. "Research and development" means basic and applied
2201 research in the science or engineering, as well as the design,
2202 development, and testing, of prototypes or processes of new or
2203 improved products, including the design, development, and
2204 testing of space launch vehicles, space flight vehicles,

2205 missiles, satellites, or research payloads, avionics, and
2206 associated control systems and processing systems, and
2207 components of any of the foregoing. Research and development
2208 does not include market research, routine consumer product
2209 testing, sales research, research in the social sciences or
2210 psychology, or similar nontechnological activities~~,~~ or ~~technical~~
2211 services.

2212 c. "Semiconductor technology products" means raw
2213 semiconductor wafers or semiconductor thin films that are
2214 transformed into semiconductor memory or logic wafers, including
2215 wafers containing mixed memory and logic circuits; related
2216 assembly and test operations; active-matrix flat panel displays;
2217 semiconductor chips; semiconductor lasers; optoelectronic
2218 elements; and related semiconductor technology products as
2219 determined by the Office of Tourism, Trade, and Economic
2220 Development.

2221 d. "Clean rooms" means manufacturing facilities enclosed
2222 in a manner that meets the clean manufacturing requirements
2223 necessary for high-technology semiconductor-manufacturing
2224 environments.

2225 e. "Defense technology products" means products that have
2226 a military application, including, but not limited to, weapons,
2227 weapons systems, guidance systems, surveillance systems,
2228 communications or information systems, munitions, aircraft,
2229 vessels, or boats, or components thereof, which are intended for
2230 military use and manufactured in performance of a contract with
2231 the United States Department of Defense or the military branch
2232 of a recognized foreign government or a subcontract thereunder
2233 which relates to matters of national defense.

2234 f. "Space technology products" means products that are
2235 specifically designed or manufactured for application in space

2236 activities, including, but not limited to, space launch
2237 vehicles, space flight vehicles, missiles, satellites or
2238 research payloads, avionics, and associated control systems and
2239 processing systems and components of any of the foregoing. The
2240 term does not include products that are designed or manufactured
2241 for general commercial aviation or other uses even though those
2242 products may also serve an incidental use in space applications.
2243 Section 60. Paragraph (d) of subsection (6) of section
2244 212.20, Florida Statutes, is amended to read:
2245 212.20 Funds collected, disposition; additional powers of
2246 department; operational expense; refund of taxes adjudicated
2247 unconstitutionally collected.--
2248 (6) Distribution of all proceeds under this chapter and s.
2249 202.18(1)(b) and (2)(b) shall be as follows:
2250 (d) The proceeds of all other taxes and fees imposed
2251 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
2252 and (2)(b) shall be distributed as follows:
2253 1. In any fiscal year, the greater of $500 million, minus
2254 an amount equal to 4.6 percent of the proceeds of the taxes
2255 collected pursuant to chapter 201, or 5 percent of all other
2256 taxes and fees imposed pursuant to this chapter or remitted
2257 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
2258 monthly installments into the General Revenue Fund.
2259 2. Two-tenths of one percent shall be transferred to the
2260 Ecosystem Management and Restoration Trust Fund to be used for
2261 water quality improvement and water restoration projects.
2262 3. After the distribution under subparagraphs 1. and 2.,
2263 8.814 percent of the amount remitted by a sales tax dealer
2264 located within a participating county pursuant to s. 218.61
2265 shall be transferred into the Local Government Half-cent Sales
2266 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to

2267 be transferred pursuant to this subparagraph to the Local
2268 Government Half-cent Sales Tax Clearing Trust Fund shall be
2269 reduced by 0.1 percent, and the department shall distribute this
2270 amount to the Public Employees Relations Commission Trust Fund
2271 less $5,000 each month, which shall be added to the amount
2272 calculated in subparagraph 4. and distributed accordingly.
2273 4. After the distribution under subparagraphs 1., 2., and
2274 3., 0.095 percent shall be transferred to the Local Government
2275 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
2276 to s. 218.65.
2277 5. After the distributions under subparagraphs 1., 2., 3.,
2278 and 4., 2.0440 percent of the available proceeds pursuant to
2279 this paragraph shall be transferred monthly to the Revenue
2280 Sharing Trust Fund for Counties pursuant to s. 218.215.
2281 6. After the distributions under subparagraphs 1., 2., 3.,
2282 and 4., 1.3409 percent of the available proceeds pursuant to
2283 this paragraph shall be transferred monthly to the Revenue
2284 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
2285 the total revenue to be distributed pursuant to this
2286 subparagraph is at least as great as the amount due from the
2287 Revenue Sharing Trust Fund for Municipalities and the former
2288 Municipal Financial Assistance Trust Fund in state fiscal year
2289 1999-2000, no municipality shall receive less than the amount
2290 due from the Revenue Sharing Trust Fund for Municipalities and
2291 the former Municipal Financial Assistance Trust Fund in state
2292 fiscal year 1999-2000. If the total proceeds to be distributed
2293 are less than the amount received in combination from the
2294 Revenue Sharing Trust Fund for Municipalities and the former
2295 Municipal Financial Assistance Trust Fund in state fiscal year
2296 1999-2000, each municipality shall receive an amount

2297 proportionate to the amount it was due in state fiscal year
2298 1999-2000.
2299 7. Of the remaining proceeds:
2300 a. In each fiscal year, the sum of $29,915,500 shall be
2301 divided into as many equal parts as there are counties in the
2302 state, and one part shall be distributed to each county. The
2303 distribution among the several counties shall begin each fiscal
2304 year on or before January 5th and shall continue monthly for a
2305 total of 4 months. If a local or special law required that any
2306 moneys accruing to a county in fiscal year 1999-2000 under the
2307 then-existing provisions of s. 550.135 be paid directly to the
2308 district school board, special district, or a municipal
2309 government, such payment shall continue until such time that the
2310 local or special law is amended or repealed. The state covenants
2311 with holders of bonds or other instruments of indebtedness
2312 issued by local governments, special districts, or district
2313 school boards prior to July 1, 2000, that it is not the intent
2314 of this subparagraph to adversely affect the rights of those
2315 holders or relieve local governments, special districts, or
2316 district school boards of the duty to meet their obligations as
2317 a result of previous pledges or assignments or trusts entered
2318 into which obligated funds received from the distribution to
2319 county governments under then-existing s. 550.135. This
2320 distribution specifically is in lieu of funds distributed under
2321 s. 550.135 prior to July 1, 2000.
2322 b. The department shall distribute $166,667 monthly
2323 pursuant to s. 288.1162 to each applicant that has been
2324 certified as a "facility for a new professional sports
2325 franchise" or a "facility for a retained professional sports
2326 franchise" pursuant to s. 288.1162. Up to $41,667 shall be
2327 distributed monthly by the department to each applicant that has

2328 been certified as a "facility for a retained spring training
2329 franchise" pursuant to s. 288.1162; however, not more than
2330 $208,335 may be distributed monthly in the aggregate to all
2331 certified facilities for a retained spring training franchise.
2332 Distributions shall begin 60 days following such certification
2333 and shall continue for not more than 30 years. Nothing contained
2334 in this paragraph shall be construed to allow an applicant
2335 certified pursuant to s. 288.1162 to receive more in
2336 distributions than actually expended by the applicant for the
2337 public purposes provided for in s. 288.1162(6). However, a
2338 certified applicant is entitled to receive distributions up to
2339 the maximum amount allowable and undistributed under this
2340 section for additional renovations and improvements to the
2341 facility for the franchise without additional certification.
2342 c. Beginning 30 days after notice by the Office of
2343 Tourism, Trade, and Economic Development to the Department of
2344 Revenue that an applicant has been certified as the professional
2345 golf hall of fame pursuant to s. 288.1168 and is open to the
2346 public, $166,667 shall be distributed monthly, for up to 300
2347 months, to the applicant.
2348 d. Beginning 30 days after notice by the Office of
2349 Tourism, Trade, and Economic Development to the Department of
2350 Revenue that the applicant has been certified as the
2351 International Game Fish Association World Center facility
2352 pursuant to s. 288.1169, and the facility is open to the public,
2353 $83,333 shall be distributed monthly, for up to 168 months, to
2354 the applicant. This distribution is subject to reduction
2355 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
2356 made, after certification and before July 1, 2000.
2357 e. Every dealer conducting business at a fixed location at
2358 the Kennedy Space Center or Cape Canaveral Air Force Station and

2359 selling admissions to the Kennedy Space Center or Cape Canaveral
2360 Air Force Station, or any part of either location, under a
2361 contract with the National Aeronautics and Space Administration
2362 or under a subcontract to such contract, shall file returns each
2363 month in accordance with this sub-subparagraph. Each dealer must
2364 file a separate return each month which reports, separately from
2365 any other sales and use taxes due under this chapter, the sale
2366 of admissions to the Kennedy Space Center or Cape Canaveral Air
2367 Force Station or any part of the facilities or to any event held
2368 at either location, together with sales at retail of tangible
2369 personal property from such fixed place of business, and leases
2370 and licenses by the dealer at the Kennedy Space Center or Cape
2371 Canaveral Air Force Station taxable under s. 212.031, and the
2372 taxes collected by the dealer with respect to such admissions,
2373 leases, licenses, and sales. All amounts due under this chapter
2374 with respect to these transactions shall be timely remitted to
2375 the department. The dealer shall simultaneously file a copy of
2376 the return with Space Florida and a copy with the director of
2377 the Office of Tourism, Trade, and Economic Development, all of
2378 which return copies and information contained in such copies are
2379 subject to the same confidentiality provisions as are applicable
2380 to returns and information filed with the department under s.
2381 213.053. Each month the department shall distribute to Space
2382 Florida all such proceeds collected and remitted to the
2383 department as shown on the returns required by this sub-
2384 subparagraph. However, the monthly distributions may not include
2385 proceeds of discretionary surtaxes due under this chapter. The
2386 proceeds of the monthly distributions shall be expended for
2387 aerospace education projects authorized in s. 331.305. If the
2388 department collects any additional amounts under this chapter
2389 with respect to any transactions for which a separate return is

2390 required by this sub-subparagraph, no later than 30 days after
2391 the collection, the proceeds shall be distributed by the
2392 department to Space Florida for the uses specified in this sub-
2393 subparagraph. This sub-subparagraph does not affect any dealer's
2394 liability for other taxes imposed by and due under this chapter.
2395 8. All other proceeds shall remain with the General
2396 Revenue Fund.
2397 Section 61. Section 1004.86, Florida Statutes, is created
2398 to read:
2399 1004.86 Florida Center for Mathematics and Science
2400 Education Research.--
2401 (1) The Department of Education shall establish at a
2402 public state university the Florida Center for Mathematics and
2403 Science Education Research to increase student achievement in
2404 science and mathematics. The center shall:
2405 (a) Provide technical assistance and support to school
2406 districts and schools in the development and implementation of
2407 mathematics and science instruction.
2408 (b) Conduct applied research on policy and practices
2409 related to mathematics and science instruction and assessment in
2410 the state.
2411 (c) Conduct or compile basic research regarding student
2412 acquisition of mathematics and science knowledge and skills.
2413 (d) Develop comprehensive course frameworks for
2414 mathematics and science courses that emphasize rigor and
2415 relevance at the elementary, middle, and high school levels.
2416 (e) Disseminate information regarding research-based
2417 teaching practices in mathematics and science to teachers and
2418 teacher educators in the state.
2419 (f) Collect, manage, and report on assessment information
2420 regarding student achievement in mathematics and science.

2421 (g) Establish partnerships with state universities,
2422 community colleges, and school districts.
2423 (h) Collaborate with the Florida Center for Reading
2424 Research in order to provide research-based practices that
2425 integrate the teaching of reading within mathematics and
2426 sciences courses.
2427 (2) The department shall monitor the center through the
2428 Division of K-12 Public Schools.
2429 Section 62. Sections 331.314, 331.367, 331.368, 331.401,
2430 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417,
2431 and 331.419, Florida Statutes, are repealed.
2432 Section 63. The Florida Space Authority, the Florida Space
2433 Research Institute, and the Florida Aerospace Finance
2434 Corporation are dissolved effective September 1, 2006. Space
2435 Florida, as created by this act, is the successor organization
2436 to, and as such shall assume the records, property, obligations,
2437 and unexpended balances of appropriations, allocations, or other
2438 funds of, the Florida Space Authority, the Florida Space
2439 Research Institute, and the Florida Aerospace Finance
2440 Corporation.
2441 Section 64. The Governor, the President of the Senate, and
2442 the Speaker of the House of Representatives shall appoint the
2443 board of directors of Space Florida no later than July 1, 2006.
2444 The board of directors of Space Florida shall hold its first
2445 meeting no later than August 1, 2006. The board of directors of
2446 Space Florida shall appoint a president no later than September
2447 1, 2006. The Executive Office of the Governor shall provide
2448 staffing, and transitional support to Space Florida until
2449 December 31, 2006.
2450 Section 65. Subsection (12) is added to section 288.1224,
2451 Florida Statutes, to read:

2452 288.1224 Powers and duties.--The commission:
2453 (12) Shall advise and cooperate with Space Florida, where
2454 appropriate and beneficial.
2455 Section 66. Subsections (7) and (8) are added to section
2456 288.9015, Florida Statutes, to read:
2457 288.9015 Enterprise Florida, Inc.; purpose; duties.--
2458 (7) Enterprise Florida, Inc., shall advise and cooperate
2459 with Space Florida, where appropriate and beneficial, related to
2460 issues of aerospace business retention, expansion, attraction,
2461 and creation, and other related activities.
2462 Section 67. Subsection (12) is added to section 445.004,
2463 Florida Statutes, to read:
2464 445.004 Workforce Florida, Inc.; creation; purpose;
2465 membership; duties and powers.--
2466 (12) Workforce Florida, Inc., shall advise and cooperate
2467 with Space Florida, where appropriate and beneficial, for the
2468 furtherance of aerospace workforce development.
2469 Section 68. Subsection (17) is added to section 1001.10,
2470 Florida Statutes, read:
2471 1001.10 Commissioner of Education; general powers and
2472 duties.--The Commissioner of Education is the chief educational
2473 officer of the state, and is responsible for giving full
2474 assistance to the State Board of Education in enforcing
2475 compliance with the mission and goals of the seamless K-20
2476 education system. To facilitate innovative practices and to
2477 allow local selection of educational methods, the State Board of
2478 Education may authorize the commissioner to waive, upon the
2479 request of a district school board, State Board of Education
2480 rules that relate to district school instruction and school
2481 operations, except those rules pertaining to civil rights, and
2482 student health, safety, and welfare. The Commissioner of

2483 Education is not authorized to grant waivers for any provisions
2484 in rule pertaining to the allocation and appropriation of state
2485 and local funds for public education; the election,
2486 compensation, and organization of school board members and
2487 superintendents; graduation and state accountability standards;
2488 financial reporting requirements; reporting of out-of-field
2489 teaching assignments under s. 1012.42; public meetings; public
2490 records; or due process hearings governed by chapter 120. No
2491 later than January 1 of each year, the commissioner shall report
2492 to the Legislature and the State Board of Education all approved
2493 waiver requests in the preceding year. Additionally, the
2494 commissioner has the following general powers and duties:
2495 (17) To advise and cooperate with Space Florida, where
2496 appropriate and beneficial.
2497
2498 The commissioner's office shall operate all statewide functions
2499 necessary to support the State Board of Education and the K-20
2500 education system, including strategic planning and budget
2501 development, general administration, and assessment and
2502 accountability.
2503 Section 69. This act shall take effect upon becoming a
2504 law.
2505
2506
2507 ========== T I T L E A M E N D M E N T ==========
2508 Remove the entire title and insert:
2509
2510 An act relating to the state's aerospace industry;
2511 amending s. 331.301, F.S.; redesignating the "Florida
2512 Space Authority" as "Space Florida"; creating s. 331.3011,
2513 F.S.; providing legislative findings and intent; amending

2514 s. 331.302, F.S.; providing for the creation and
2515 incorporation of Space Florida as a public corporation,
2516 body politic, and subdivision of the state; providing for
2517 purpose of Space Florida; providing duties; prohibiting
2518 Space Florida from endorsing political candidates or
2519 making campaign contributions; amending s. 331.303, F.S.;
2520 removing, revising, and providing definitions; amending s.
2521 331.305, F.S.; removing and revising powers of Space
2522 Florida; providing additional powers and responsibilities
2523 of Space Florida relating to the state's aerospace
2524 industry; deleting authority to exercise eminent domain
2525 powers; creating s. 331.3051, F.S.; requiring Space
2526 Florida to create a business plan and a marketing
2527 campaign; requiring Space Florida to consult with and
2528 coordinate its activities with federal and state agencies;
2529 requiring an annual performance report; amending s.
2530 331.308, F.S.; replacing provisions providing for a board
2531 of supervisors with provisions providing for a board of
2532 directors of Space Florida; providing for designation and
2533 appointment of members; providing for terms, removal of
2534 members, and filling of vacancies; providing for board
2535 meetings; specifying service without compensation;
2536 providing for reimbursement of certain expenses; providing
2537 financial disclosure requirements; requiring state
2538 residency for board members; amending s. 331.310, F.S.;
2539 revising powers and duties of the board; providing rule-
2540 making authority; requiring that the executive office of
2541 Space Florida be in close proximity to Kennedy Space
2542 Center; removing the authority of the board to change the
2543 name of Space Florida; amending s. 331.3101, F.S.;
2544 changing the submission date for an annual report on

2545 travel and entertainment expenses; amending s. 331.355,
2546 F.S.; revising requirements for use of name; amending s.
2547 14.2015, F.S.; directing the Office of Tourism, Trade, and
2548 Economic Development to serve as contract administrator
2549 for the state with Space Florida; amending s. 212.08,
2550 F.S.; expanding the exemption from the sales and use tax
2551 on certain machinery and equipment; expanding definitions;
2552 amending s. 212.20, F.S.; requiring dealers at certain
2553 business locations to file returns with the Department of
2554 Revenue disclosing certain sales tax information;
2555 specifying return requirements; requiring the department
2556 to distribute certain proceeds to Space Florida; requiring
2557 expenditure of such proceeds for certain purposes;
2558 creating s. 1004.86, F.S.; requiring the Department of
2559 Education to establish the Florida Center for Mathematics
2560 and Science Education Research at a public state
2561 university; specifying requirements for the center;
2562 providing that the Florida Space Authority, the Florida
2563 Space Research Institute, and the Florida Aerospace
2564 Finance Corporation are dissolved on a specified date;
2565 providing that Space Florida will assume the records,
2566 property, and unexpended balances of appropriations,
2567 allocations, and other funds from the dissolved entities;
2568 requiring the Governor, the President of the Senate, and
2569 the Speaker of the House of Representatives to appoint the
2570 board of directors of Space Florida by a specified date;
2571 requiring the board of directors of Space Florida to hold
2572 its first meeting by a specified date; amending ss.
2573 228.1224, 288.9015, 445.004, and 1001.10, F.S.; requiring
2574 the Florida Commission on Tourism, Enterprise Florida,
2575 Inc., Workforce Florida, Inc., and the Commissioner of

2576 Education to advise and cooperate with Space Florida when
2577 appropriate and beneficial; amending ss. 74.011, 196.012,
2578 212.02, 288.063, 288.075, 288.35, 288.9415, 331.306,
2579 331.309, 331.311, 331.312, 331.313, 331.315, 331.316,
2580 331.317, 331.318, 331.319, 331.320, 331.321, 331.322,
2581 331.323, 331.324, 331.325, 331.326, 331.327, 331.328,
2582 331.329, 331.331, 331.333, 331.334, 331.335, 331.336,
2583 331.337, 331.338, 331.339, 331.340, 331.343, 331.345,
2584 331.346, 331.347, 331.348, 331.349, 331.350, 331.351,
2585 331.354, 331.360, and 331.369, F.S., to conform; repealing
2586 s. 331.314, F.S., relating to the exclusive authority of
2587 the Florida Space Authority to regulate spaceports;
2588 repealing s. 331.367, F.S., relating to the Spaceport
2589 Management Council; repealing s. 331.368, F.S., relating
2590 to the Florida Space Research Institute; repealing ss.
2591 331.401, 331.403, 331.405, 331.407, 331.409, 331.411,
2592 331.415, 331.417, and 331.419, F.S., relating to the
2593 Florida Aerospace Finance Corporation; providing an
2594 effective date.