

Committee Substitute for Senate Bill No. 688

An act relating to the Spaceport Florida Authority; amending ss. 74.011, 196.012, 212.02, 288.063, 288.075, 288.35, 288.9415, 288.9515, 330.30, 331.301, 331.302, F.S.; changing the name of the Spaceport Florida Authority to the Florida Space Authority; amending s. 331.303, F.S.; defining the term "Spaceport Florida"; conforming provisions to the name change; amending s. 331.304, F.S.; naming certain spaceport territory; revising the boundaries of spaceport territory; amending s. 331.308, F.S.; conforming provisions to the name change; revising membership of and procedures related to the board of supervisors; designating the Lieutenant Governor as the chair of the board of supervisors and as the state's space policy leader; amending s. 331.3101, F.S.; conforming provisions to the name change; amending s. 331.349, F.S.; changing the fiscal year of the authority; amending s. 331.360, F.S.; conforming provisions to the name change; conforming a cross-reference; amending s. 331.367, F.S.; revising the membership, mission, administration, and reporting requirements of the Spaceport Management Council and its executive board; amending ss. 331.368, 331.405, 331.411, 339.137, 339.175, 768.28, F.S.; conforming provisions to the name change; deleting obsolete provisions; providing effective dates.

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

Section 1. Section 74.011, Florida Statutes, is amended to read:

74.011 Scope.—In any eminent domain action, properly instituted by and in the name of the state; the Department of Transportation; any county, school board, municipality, expressway authority, regional water supply authority, transportation authority, flood control district, or drainage or subdrainage district; the ship canal authority; any lawfully constituted housing, port, or aviation authority; the ~~Spaceport~~ Florida Space Authority; or any rural electric cooperative, telephone cooperative corporation, or public utility corporation, the petitioner may avail itself of the provisions of this chapter to take possession and title in advance of the entry of final judgment.

Section 2. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform

a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303(19), or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program or spaceport activities as defined in s. 212.02(22). Real property and tangible personal property owned by the Federal Government or the ~~Spaceport~~ Florida Space Authority and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the

governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(13), and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital. However, property that is being used to provide such telecommunications services on or before October 1, 1997, shall remain exempt, but such exemption expires October 1, 2004.

Section 3. Subsection (22) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(22) “Spaceport activities” means activities directed or sponsored by the ~~Spaceport~~ Florida Space Authority on spaceport territory pursuant to its powers and responsibilities under the ~~Spaceport~~ Florida Space Authority Act.

Section 4. Subsection (7) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(7) For the purpose of this section, the ~~Spaceport~~ Florida Space Authority may serve as the local government or as the contracting agency for transportation projects within spaceport territory as defined by s. 331.304.

Section 5. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) As used in this section, the term “economic development agency” means the Office of Tourism, Trade, and Economic Development, any industrial development authority created in accordance with part III of chapter 159 or by special law, the ~~Spaceport~~ Florida Space Authority created in part II of chapter 331, the Florida Commercial Space Financing Corporation created in part III of chapter 331, the public economic development agency of a county or municipality, or any research and development authority created in accordance with part V of chapter 159. The term also includes any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 6. Subsection (2) of section 288.35, Florida Statutes, is amended to read:

288.35 Definitions.—The following terms, wherever used or referred to in this part, shall have the following meanings:

(2) “Government agency” means the state or any county or political subdivision thereof; any state agency; any consolidated government of a county, and some or all of the municipalities located within said county; any chartered municipality in the state; and any of the institutions of such consolidated governments, counties, or municipalities. Specifically included are airports, port authorities, industrial authorities, and the ~~Spaceport~~ Florida Space Authority.

Section 7. Subsection (2) of section 288.9415, Florida Statutes, is amended to read:

288.9415 International Trade Grants.—

(2) A county, municipality, economic development council, the ~~Spaceport~~ Florida Space Authority, or a not-for-profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

Section 8. Subsection (4) of section 288.9515, Florida Statutes, is amended to read:

288.9515 Authorized technology development programs.—

(4) Enterprise Florida, Inc., shall invest moneys contained in the Florida Technology Research Investment Fund in technology application research or for technology development projects that have the potential for commercial market application. The partnership shall coordinate any investment in any space-related technology projects with the ~~Spaceport~~ Florida Space Authority and the Technological Research and Development Authority.

(a) The investment of moneys contained in the Florida Technology Research Investment Fund is limited to investments in qualified securities in which a private enterprise in this state coinvests at least 40 percent of the total project costs, in conjunction with other cash or noncash investments from state educational institutions, state and federal agencies, or other institutions.

(b) For the purposes of this fund, qualified securities include loans, loans convertible to equity, equity, loans with warrants attached that are beneficially owned by the board, royalty agreements, or any other contractual arrangement in which the board is providing scientific and technological services to any federal, state, county, or municipal agency, or to any individual, corporation, enterprise, association, or any other entity involving technology development.

(c) Not more than \$175,000 or 5 percent of the revenues generated by investment of moneys contained in the Florida Technology Research Investment Fund, whichever is greater, may be used to pay operating expenses associated with operation of the Florida Technology Research Investment Fund.

(d) In the event of liquidation or dissolution of Enterprise Florida, Inc., or the Florida Technology Research Investment Fund, any rights or interests in a qualified security or portion of a qualified security purchased with moneys invested by the State of Florida shall vest in the state, under the control of the State Board of Administration. The state is entitled to, in proportion to the amount of investment in the fund by the state, any balance of funds remaining in the Florida Technology Research Investment Fund after payment of all debts and obligations upon liquidation or dissolution of Enterprise Florida, Inc., or the fund.

(e) The investment of funds contained in the Florida Technology Research Investment Fund does not constitute a debt, liability, or obligation of the State of Florida or of any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision.

Section 9. Paragraph (d) of subsection (3) of section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites and licensing of airports; fees.—

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the ~~Spaceport~~ Florida Space Authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.

Section 10. Section 331.301, Florida Statutes, is amended to read:

331.301 Short title.—This act may be cited as the “~~Spaceport~~ Florida Space Authority Act.”

Section 11. Section 331.302, Florida Statutes, is amended to read:

331.302 ~~Spaceport~~ Florida Space Authority; creation; purpose.—

(1) It is the intent of the Legislature to provide a unified direction for space-related economic growth and educational development, to ensure a stable and dynamic economic climate, to attract and maintain space-related businesses suitable to the state, and to further the coordination and development of Florida’s economy.

(2) There is hereby established, formed, and created the ~~Spaceport~~ Florida Space Authority, which is created and incorporated as a public corporation, body politic, and subdivision of the state to establish facilities or complementary activities to enhance and provide commercial space-related development opportunities for business, education, and government, and which shall have all the powers, rights, privileges, and authority as provided under the laws of this state.

(3) It shall be the purpose, function, and responsibility of the ~~Spaceport~~ Florida Space Authority to develop a strategy for and implement the acceleration of space-related economic growth and educational development within

the state. Projects in the state shall include the space business incubators, space tourism activities and centers, educational involvement in business incubators, and the Spaceport Florida launch centers. It shall be the authority's purpose, function, and responsibility to provide projects in the state which will develop and improve the entrepreneurial atmosphere, to provide coordination among space businesses, Florida universities, space tourism, and the Spaceport Florida launch centers, and to provide activities designed to stimulate the development of space commerce. In carrying out these duties and responsibilities, the authority may advise and cooperate with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.

(4) It is the intent of the Legislature that the ~~Spaceport Florida~~ Space Authority shall not be considered an "agency" as defined in ss. 216.011 and 287.012.

Section 12. Subsection (1) of section 331.303, Florida Statutes, is amended, present subsections (20), (21), (22), (23), (24), and (25) of that section are redesignated as subsections (21), (22), (23), (24), (25), and (26), respectively, and a new subsection (20) is added to that section to read:

331.303 Definitions.—

(1) "Authority" means the ~~Spaceport Florida~~ Space Authority created by this act.

(20) "Spaceport Florida" means the authority or its facilities and projects.

Section 13. Section 331.304, Florida Statutes, is amended to read:

331.304 Spaceport territory.—The following property shall constitute spaceport territory:

(1) Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Air Force Base, Cape Canaveral Air Force Station, or John F. Kennedy Space Center. The territory consisting of areas within the John F. Kennedy Space Center and the Cape Canaveral Air Force Station may be referred to as the "Cape Canaveral Spaceport."

~~(2) Certain real property located in Gulf County with the following boundaries:~~

~~(a) Northern boundary—Latitude 29°40'45" North from longitude 85°20' West in a westerly direction to the mean high water line of the Gulf of Mexico.~~

~~(b) Eastern boundary—Longitude 85°20' West.~~

~~(c) Western boundary—The mean high water line of the shore along the Gulf of Mexico.~~

~~(d) Southern boundary—The mean high water line of the shore along the Gulf of Mexico.~~

(2)(3) Certain real property located in Santa Rosa, Okaloosa, Gulf, and Walton Counties which is included within the 1997 boundaries of Edglin Air Force Base.

Section 14. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the Spaceport Florida Space Authority a board of supervisors consisting of eight ~~seven~~ regular members, who shall be appointed by the Governor, and two ex officio nonvoting members, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives. The Lieutenant Governor, who is the state's space policy leader, shall serve as chair of the board of supervisors, and shall cast the deciding vote if the votes of the eight regular members result in a tie. All regular members shall be subject to confirmation by the Senate at the next regular session of the Legislature. Existing board members are not prohibited from reappointment., all of whom shall be subject to confirmation by the Senate at the next regular session of the Legislature. Each of the regular board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. A private-sector legal entity may not have more than one person serving on the board at any one time. One regular member shall represent organized labor interests, and one regular member shall represent minority interests, and four regular members must represent space industry, at least one of whom must also be from a small business, as defined in s. 288.703. For the purpose of this section, "space industry" includes private sector entities engaged in space flight business, as defined in s. 212.031, research and technology development of space-based products and services, space station commercialization, development of spaceport and range technology, remote sensing products and services, space biotechnology, measurement and calibration of space assets, space related software and information technology development, design and architecture of space-based assets and facilities for manufacturing and other purposes, space-related nano-technology, space tourism, and other commercial enterprises utilizing uniquely space-based capabilities.

(2) Each regular member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting legislative members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

(5) This act does not affect the terms or conditions of current members of the board, but applies to any vacancy that occurs on or after the effective date of this act. Appointments to the board shall give effect to this act as soon

as practicable. Vacancies created by or occurring subsequent to the passage of this act shall be filled by representatives of the space industry, as provided herein, until the composition of the board is in compliance with the provisions of subsection (1). Initial appointments shall be made no later than 60 days after this act takes effect.

(6) The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, the board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

(7) The Governor has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations which may arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 15. Section 331.3101, Florida Statutes, is amended to read:

331.3101 ~~Spaceport~~ Florida Space Authority; travel and entertainment expenses.—

(1) Notwithstanding the provisions of s. 112.061, the authority shall adopt rules by which it may make expenditures by advancement or reimbursement, or a combination thereof, to authority officers and employees; reimburse business clients, guests, and authorized persons as defined in s. 112.061(2)(e); and make direct payments to third-party vendors:

(a) For travel expenses of such business clients, guests, and authorized persons incurred by the authority in connection with the performance of its statutory duties, and for travel expenses incurred by state officials and state employees while accompanying such business clients, guests, or authorized persons or when authorized by the board or its designee.

(b) For entertainment expenses of such guests, business clients, and authorized persons incurred by the authority in connection with the performance of its statutory duties, and for entertainment expenses incurred for authority officials and employees when such expenses are incurred while in the physical presence of such business clients, guests, or authorized persons.

(2) The rules shall be subject to approval by the Comptroller prior to promulgation. The rules shall require the submission of paid receipts, or other proof prescribed by the Comptroller, with any claim for reimbursement, and shall require, as a condition for any advancement, an agreement to submit paid receipts or other proof and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 15 days after completion of the travel. However, with respect to an advancement made solely for

travel expenses, the rules may allow paid receipts or other proof to be submitted, and any unused portion of the advancement to be refunded, within 30 days after completion of the travel.

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

(4) No claim submitted under this section shall be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the authority and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any such claim which the person does not believe to be true and correct as to every material matter or who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation of a claim pursuant to this section, which claim is fraudulent or false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives an advancement or reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 16. Section 331.349, Florida Statutes, is amended to read:

331.349 Fiscal year of the authority.—The board has the power to establish and from time to time redetermine the fiscal year of the authority. Unless the board otherwise provides, the authority's fiscal year shall be July October 1 through June September 30.

Section 17. Subsections (2) and (3) of section 331.360, Florida Statutes, are amended to read:

331.360 Joint project agreement or assistance; spaceport master plan.—

(2) Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, the ~~Spaceport~~ Florida Space Authority as necessary to effectuate the provisions of this chapter and may allocate funds for such purposes in its 5-year work program. However, the department may not fund the administrative or operational costs of the authority.

(3) The authority shall develop a spaceport master plan for expansion and modernization of space transportation facilities within spaceport territories as defined in s. 331.303(23) ~~s. 331.303(22)~~. The plan shall contain recommended projects to meet current and future commercial, national, and state space transportation requirements. The authority shall submit the

plan to any appropriate M.P.O. for review of intermodal impacts. The authority shall submit the spaceport master plan to the Department of Transportation, and such plan may be included within the department's 5-year work program of qualifying aerospace discretionary capacity improvement under subsection (4). The plan shall identify appropriate funding levels and include recommendations on appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund.

Section 18. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) The Spaceport Management Council is created within the Spaceport Florida Space Authority to provide coordination between government agencies and commercial operators for the purpose of developing and recommendations on projects and activities to that will increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, and research, and technology development within the state. The council shall work to create develop integrated facility and programmatic development plans to address commercial, state, and federal requirements and to identify appropriate private, state, and federal resources to implement these plans.

(2) The council shall make recommendations regarding:

(a) The development of a spaceport master plan.

(b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.

(c) Development and expansion of space-related education and research facilities and programs within Florida in consultation with the Florida Space Research Institute, including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.

(d) The regulation of spaceports and federal and state policy.

(e) Appropriate levels of governmental and private funding for sustainable Florida's approach to the Federal Government regarding requests for funding of space development.

(3) The council shall submit its recommendations to the Governor and Lieutenant Governor and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade, and Economic Development, the associate administrator for Space Transportation in the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, the Deputy Assistant Secretary of the Air Force for Space Plans and Policy, and the ex officio nonvoting council members of the Senate and the House of Representatives.

(4)(3)(a) The council shall be composed ~~consist~~ of an executive board consisting, ~~which shall consist~~ of representatives of governmental organiza-

tions having with responsibilities for developing or operating space transportation facilities, and a Space Industry Committee consisting, which shall consist of representatives of Florida's space industry.

(b) The executive board consists of the following individuals or their designees shall serve on the executive board:

1. ~~The executive director of the Spaceport Florida Space Authority or his or her designee.~~

2. ~~The director of the John F. Kennedy Space Center or his or her designee.~~

3. ~~The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

4. ~~The Commander of the Naval Ordnance Test Unit or his or her designee.~~

~~2.5.~~ The Secretary of Transportation ~~or his or her designee.~~

~~3.6.~~ The president of Enterprise Florida, Inc., ~~or his or her designee,~~ as an ex officio nonvoting member.

~~4.7.~~ The director of the Office of Tourism, Trade, and Economic Development ~~or his or her designee, as an ex officio nonvoting member.~~

(c)1. Participation by the federal agencies having space-related missions in the state will contribute to council effectiveness, and the following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.

2. Federal liaison officials may attend and participate in council meetings and deliberations, provide federal-agency views on issues before the council, and present issues of concern and make recommendations to the council.

3. The role of federal liaison officials is limited by federal statutes and other constraints, but the determination of this limitation is a federal function.

4. The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.

5. To the extent that the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.

~~(4) Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

~~(5) The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

~~(6) All council members must be residents of the state.~~

~~(5)(7)~~ The executive board council shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

~~(6)(8)~~ The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

~~(7)(9)~~ The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of facilities for space manufacturing, research, technology and development, and education ~~educational facilities.~~

~~(8)(10)~~ The council shall meet at the call of its chair ~~chairperson~~, at the request of two or more members of the executive board ~~a majority of its membership~~, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. ~~A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council.~~ A majority ~~majority~~ vote of the ~~majority~~ of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

Section 19. Paragraph (a) of subsection (2) of section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

(a) A representative of the ~~Spaceport~~ Florida Space Authority.

Section 20. Subsection (2) of section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

(2) “Authority” means the ~~Spaceport~~ Florida Space Authority created by s. 331.302.

Section 21. Section 331.411, Florida Statutes, is amended to read:

331.411 Board of directors; powers and duties.—

(1) There is created a board of directors of the corporation, which shall consist of up to 7 voting members as follows:

(a) One representative appointed by each of the following:

1. The board of supervisors of the ~~Spaceport~~ Florida Space Authority.
2. The board of directors of the Florida Export Finance Corporation.
3. The director of the Office of Tourism, Trade, and Economic Development.
4. The board of directors of Enterprise Florida, Inc.
5. The Secretary of Transportation.

(b) The Governor shall appoint the following members:

1. A member representing the investment banking industry.
2. An attorney at law in private practice.

The board shall also include two ex officio nonvoting members, a member of the House of Representatives selected by the Speaker of the House of Representatives, and a member of the Senate selected by the President of the Senate, both of whom shall serve 2-year terms.

(2) Each voting member shall serve a 3-year term, beginning on July 1. Members appointed pursuant to paragraph (1)(a) shall serve at the pleasure of the appointing authority. Members appointed pursuant to paragraph (1)(b) shall serve at the pleasure of the Governor. Initial appointments shall be made no later than 60 days after the effective date of this act.

(3)(a) No person appointed pursuant to paragraph (1)(a) may be employed full time by any entity that applies for financial support.

(b) The members of the board who are federal employees shall not vote on any financial matter, but may vote on all corporate policies and procedures.

(c) All board members must be residents of the state.

~~(4) The board shall hold its initial meeting no later than 30 days after the members have been appointed.~~

~~(5) At its first meeting, the board shall appoint a president of the corporation from qualified candidates who have been screened and interviewed by the Spaceport Florida Authority.~~

~~(4)(6)~~ Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.

~~(5)(7)~~ The board shall:

(a) Prior to the expenditure of funds from the account, adopt bylaws, rules, and policies necessary to carry out its responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans to support space-related transactions.

(b) Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(c) Adopt policies, including criteria, establishing which space-related transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. To implement this paragraph, the board shall adopt rules which include the following criteria:

1. Any individual signing any corporation loan application and loan or guarantee agreement must have an equity interest in the business applying for financial assistance.

2. Applicants must be domiciled in this state and will be contractually obligated to use Florida launch facilities to the maximum extent possible.

(d) Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(e) Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale under this part.

(f) Consult with Enterprise Florida, Inc., and its boards, or any state or federal agency, to ensure that their respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use, to the extent practicable, of the resources of the other.

(g) Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of possible funding or guarantee sources.

(h) Develop a streamlined application and review process.

Section 22. Subsection (3) of section 339.137, Florida Statutes, is amended to read:

339.137 Transportation Outreach Program (TOP) supporting economic development; administration; definitions; eligible projects; Transportation Outreach Program (TOP) advisory council created; limitations; funding.—

(3) Eligible projects include those for planning, designing, acquiring rights-of-way for, or constructing the following:

(a) Major highway improvements.

1. Florida Intrastate Highway System.
 2. Feeder roads which provide linkages to major highways.
 3. Bridges of statewide or regional significance.
 4. Trade and economic development corridors.
 5. Access projects for freight and passengers.
 6. Hurricane evacuation routes.
- (b) Major public transportation projects.
1. Seaport projects which improve cargo and passenger movements.
 2. Aviation projects which increase passenger enplanements and cargo activity.
 3. Transit projects which improve mobility on interstate highways, or which improve regional or localized travel.
 4. Rail projects that facilitate the movement of passengers and cargo including ancillary pedestrian facilities.
 5. ~~Spaceport~~ Florida Space Authority projects which improve space transportation capacity and facilities consistent with the provisions of s. 331.360.
 6. Bicycle and pedestrian facilities that add to or enhance a statewide system of public trails.
- (c) Highway and bridge projects that facilitate retention and expansion of military installations, or that facilitate reuse and development of any military base designated for closure by the Federal Government.

Section 23. Paragraph (a) of subsection (2) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of

transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the ~~Spaceport~~ Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

Section 24. Subsections (2), (3), and (7) and paragraph (a) of subsection (6) of section 768.28, Florida Statutes, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(2) As used in this act, “state agencies or subdivisions” include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the ~~Spaceport~~ Florida Space Authority.

(3) Except for a municipality and the ~~Spaceport~~ Florida Space Authority, the affected agency or subdivision may, at its discretion, request the assistance of the Department of Insurance in the consideration, adjustment, and settlement of any claim under this act.

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality or the ~~Spaceport~~ Florida Space Authority, presents such claim in writing to the Department of Insurance, within 3 years after such

claim accrues and the Department of Insurance or the appropriate agency denies the claim in writing; except that, if such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability.

(7) In actions brought pursuant to this section, process shall be served upon the head of the agency concerned and also, except as to a defendant municipality or the ~~Spaceport~~ Florida Space Authority, upon the Department of Insurance; and the department or the agency concerned shall have 30 days within which to plead thereto.

Section 25. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor April 25, 2002.

Filed in Office Secretary of State April 25, 2002.