

By the Committees on Transportation and Economic Development
Appropriations; and Commerce; and Senator Altman

606-05211-10

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1 A bill to be entitled
2 An act relating to space and aerospace infrastructure;
3 providing a short title; amending s. 288.1088, F.S.;
4 providing legislative findings; authorizing the use of
5 a specified amount of resources for projects to retain
6 or create high-technology jobs directly associated
7 with developing a more diverse aerospace economy in
8 the state; authorizing Enterprise Florida, Inc., to
9 waive eligibility criteria for projects receiving
10 funds from the Quick Action Closing Fund which would
11 mitigate the impact of the conclusion of the space
12 shuttle program; revising authorized uses of specified
13 Space Florida appropriations; providing an effective
14 date.

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

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18 Section 1. This act may be cited as the "Space Transition
19 and Revitalization Act."

20 Section 2. Section 288.1088, Florida Statutes, is amended
21 to read:

22 288.1088 Quick Action Closing Fund.—

23 (1) (a) The Legislature finds that attracting, retaining,
24 and providing favorable conditions for the growth of certain
25 high-impact business facilities, privately developed critical
26 rural infrastructure, or key facilities in economically
27 distressed urban or rural communities which provide widespread
28 economic benefits to the public through high-quality employment
29 opportunities in such facilities or in related facilities

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30 attracted to the state, through the increased tax base provided
31 by the high-impact facility and related businesses, through an
32 enhanced entrepreneurial climate in the state and the resulting
33 business and employment opportunities, and through the
34 stimulation and enhancement of the state's universities and
35 community colleges. In the global economy, there exists serious
36 and fierce international competition for these facilities, and
37 in most instances, when all available resources for economic
38 development have been used, the state continues to encounter
39 severe competitive disadvantages in vying for these business
40 facilities. Florida's rural areas must provide a competitive
41 environment for business in the information age. This often
42 requires an incentive to make it feasible for private investors
43 to provide infrastructure in those areas.

44 (b) The Legislature finds that the conclusion of the space
45 shuttle program and the gap in civil human space flight will
46 result in significant job losses that will negatively impact
47 families, companies, the state and regional economies, and the
48 capability level of this state's aerospace workforce. Thus, the
49 Legislature also finds that this loss of jobs is a matter of
50 state interest and great public importance. The Legislature
51 further finds that it is in the state's interest for provisions
52 to be made in incentive programs for economic development to
53 maximize the state's ability to mitigate these impacts and to
54 develop a more diverse aerospace economy.

55 (c)~~(b)~~ The Legislature therefore declares that sufficient
56 resources shall be available to respond to extraordinary
57 economic opportunities and to compete effectively for these
58 high-impact business facilities, critical private infrastructure

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59 in rural areas, and key businesses in economically distressed
60 urban or rural communities, and that up to 20 percent of these
61 resources may be used for projects to retain or create high-
62 technology jobs that are directly associated with developing a
63 more diverse aerospace economy in this state.

64 (2) There is created within the Office of Tourism, Trade,
65 and Economic Development the Quick Action Closing Fund. Projects
66 eligible for receipt of funds from the Quick Action Closing Fund
67 shall:

68 (a) Be in an industry as referenced in s. 288.106.

69 (b) Have a positive payback ratio of at least 5 to 1.

70 (c) Be an inducement to the project's location or expansion
71 in the state.

72 (d) Pay an average annual wage of at least 125 percent of
73 the areawide or statewide private sector average wage.

74 (e) Be supported by the local community in which the
75 project is to be located.

76 (3) (a) Enterprise Florida, Inc., shall review applications
77 pursuant to s. 288.061 and determine the eligibility of each
78 project consistent with the criteria in subsection (2).

79 Enterprise Florida, Inc., in consultation with the Office of
80 Tourism, Trade, and Economic Development, may waive these
81 criteria:

82 1. Based on extraordinary circumstances;

83 2. In order to mitigate the impact of the conclusion of the
84 space shuttle program; or

85 3. In rural areas of critical economic concern if the
86 project would significantly benefit the local or regional
87 economy.

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88 (b) Enterprise Florida, Inc., shall evaluate individual
89 proposals for high-impact business facilities and forward
90 recommendations regarding the use of moneys in the fund for such
91 facilities to the director of the Office of Tourism, Trade, and
92 Economic Development. Such evaluation and recommendation must
93 include, but need not be limited to:

94 1. A description of the type of facility or infrastructure,
95 its operations, and the associated product or service associated
96 with the facility.

97 2. The number of full-time-equivalent jobs that will be
98 created by the facility and the total estimated average annual
99 wages of those jobs or, in the case of privately developed rural
100 infrastructure, the types of business activities and jobs
101 stimulated by the investment.

102 3. The cumulative amount of investment to be dedicated to
103 the facility within a specified period.

104 4. A statement of any special impacts the facility is
105 expected to stimulate in a particular business sector in the
106 state or regional economy or in the state's universities and
107 community colleges.

108 5. A statement of the role the incentive is expected to
109 play in the decision of the applicant business to locate or
110 expand in this state or for the private investor to provide
111 critical rural infrastructure.

112 6. A report evaluating the quality and value of the company
113 submitting a proposal. The report must include:

114 a. A financial analysis of the company, including an
115 evaluation of the company's short-term liquidity ratio as
116 measured by its assets to liability, the company's profitability

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117 ratio, and the company's long-term solvency as measured by its
118 debt-to-equity ratio;

119 b. The historical market performance of the company;

120 c. A review of any independent evaluations of the company;

121 d. A review of the latest audit of the company's financial
122 statement and the related auditor's management letter; and

123 e. A review of any other types of audits that are related
124 to the internal and management controls of the company.

125 (c) ~~(b)~~ Within 22 calendar days after receiving the
126 evaluation and recommendation from Enterprise Florida, Inc., the
127 director shall recommend to the Governor approval or disapproval
128 of a project for receipt of funds from the Quick Action Closing
129 Fund. In recommending a project, the director shall include
130 proposed performance conditions that the project must meet to
131 obtain incentive funds. The Governor shall provide the
132 evaluation of projects recommended for approval to the President
133 of the Senate and the Speaker of the House of Representatives
134 and consult with the President of the Senate and the Speaker of
135 the House of Representatives before giving final approval for a
136 project. The Executive Office of the Governor shall recommend
137 approval of a project and the release of funds pursuant to the
138 legislative consultation and review requirements set forth in s.
139 216.177. The recommendation must include proposed performance
140 conditions that the project must meet in order to obtain funds.

141 (d) ~~(e)~~ Upon the approval of the Governor, the director of
142 the Office of Tourism, Trade, and Economic Development and the
143 business shall enter into a contract that sets forth the
144 conditions for payment of moneys from the fund. The contract
145 must include the total amount of funds awarded; the performance

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146 conditions that must be met to obtain the award, including, but
147 not limited to, net new employment in the state, average salary,
148 and total capital investment; demonstrate a baseline of current
149 service and a measure of enhanced capability; the methodology
150 for validating performance; the schedule of payments from the
151 fund; and sanctions for failure to meet performance conditions.
152 The contract must provide that payment of moneys from the fund
153 is contingent upon sufficient appropriation of funds by the
154 Legislature and upon sufficient release of appropriated funds by
155 the Legislative Budget Commission.

156 (e)~~(d)~~ Enterprise Florida, Inc., shall validate contractor
157 performance. Such validation shall be reported within 6 months
158 after completion of the contract to the Governor, President of
159 the Senate, and the Speaker of the House of Representatives.

160 Section 3. Notwithstanding any other provisions of law,
161 funds provided in Specific Appropriation 2649 of chapter 2008-
162 152, Laws of Florida, for Space and Aerospace Infrastructure to
163 make improvements to Launch Complex 36 on the 45th Space Wing
164 property may also be used by Space Florida for improvements to
165 other launch complexes and space transportation facilities in
166 order to attract new space vehicle testing and launch business
167 to the state; to address intermodal requirements and impacts of
168 the launch ranges, spaceports, and other space transportation
169 facilities; to advance aerospace technology to meet the current
170 and future needs of the United States commercial space
171 transportation industry; and to assist in the development of
172 joint-use facilities and technology that support aviation and
173 aerospace operations, including high-altitude and suborbital
174 flights and range technology development.

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Section 4. This act shall take effect July 1, 2010.