

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 438

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess

SUBJECT: United States Space Force

DATE: February 8, 2022 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	<u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 438 updates definitions and references in the Florida Statutes to include the United States Space Force, the newest branch of the Armed Forces of the United States. Specifically, the bill adds the United States Space Force to several places in statute where exhaustive lists of armed forces branches already exist.

The United States Space Force was created to conduct global space operations for the United States' joint and coalition forces. There are two United States Space Force facilities in Florida operating under Space Launch Delta 45, a Space Force operational unit.

The bill has no fiscal impact. The bill is effective July 1, 2022, except as otherwise provided.

II. Present Situation:

The United States Armed Forces includes six components: Army, Marine Corps, Navy, Air Force, Space Force, and Coast Guard and the reserve components of the Army and Air National Guards. The United States Space Force was established as an independent branch of the uniformed services on December 20, 2019, the first new Armed Force since the United States Air Force was authorized in 1947.¹ Historically, the United States Air Force was the armed

¹ Secretary of Defense, *Memorandum for Chief Management Officer of the Department of Defense – Establishment of the United States Space Force*, (December 20, 2019) available at <https://media.defense.gov/2019/Dec/20/2002228281/-1/->

forces branch responsible for military space operations.² In 1982, the Air Force established the Air Force Space Command with space operations as its primary mission.³ The National Defense Authorization Act for Fiscal Year 2020 redesignated Air Force Space Command as the United States Space Force.⁴ This new branch is organized under the Department of the Air Force in a manner similar to how the Marines are organized under the Department of the Navy.⁵

Space Force is responsible for organizing, training, and equipping the members of Space Force to conduct global space operations that enhance the operational capacities of the joint and coalition forces of the United States armed forces.⁶

The Space Force is created under Title X of the United States Code, Armed Forces and includes the Regular Space Force, persons appointed or enlisted in or conscripted into the Space Force, and all Space Force units and other Space Force organizations which support combat, training, administrative, and logistical elements.⁷ The functions of the Space Force are specifically identified in federal law to be organized, trained, and equipped to:

- Provide freedom of operation for the United States in, from, and to space;
- Conduct space operations; and
- Protect the interests of the United States in space.⁸

The Space Force is headed by the Chief of Space Operations, who reports to the Secretary of the Air Force.⁹

Currently, there are two Space Force facilities in Florida: Cape Canaveral Space Force Station and Patrick Space Force Base.¹⁰ Both facilities operate under Space Launch Delta 45, a Space Force operational unit responsible for operating the Eastern Range.¹¹ A “range” is an area in and over which rockets are fired for testing and tracking.¹² The Eastern Range extends more than 10,000 miles from the Florida mainland through the South Atlantic and into the Indian Ocean.

[1/1/ESTABLISHMENT-OF-THE-UNITED-STATES-SPACE-FORCE.PDF](#) (last visited January 21, 2022). Pub. Law 116-92, div. A, title IX, s. 952(d), 133 Stat. 1562.

² David N. Spires, *Beyond Horizons, A Half Century of Air Force Space Leadership* (Air Force Space Command, 1998), 1-2, available at <https://media.defense.gov/2011/Jan/25/2001330110/-1/-1/0/AFD-110125-038.pdf> (last visited January 21, 2022).

³ Air Force Space Command (Archived), *Air Force Space Command History*, available at <https://www.afspc.af.mil/About-Us/AFSPC-History/> (last visited on January 21, 2022).

⁴ Pub. Law 116-92, 133 Stat. 1561.

⁵ Pub. Law 116-92, 133 Stat. 1562. United States Space Force, *About the United States Space Force*, available at <https://www.spaceforce.mil/About-Us/About-Space-Force/> (last visited January 21, 2022).

⁶ United States Space Force, *United States Space Force Mission*, <https://www.spaceforce.mil/About-Us/About-Space-Force/Mission/> (last visited on Jan. 13, 2022).

⁷ 10 U.S.C. 9081(b).

⁸ 10 U.S.C. 9081(c).

⁹ 10 U.S.C. 9082. United States Space Force, *Chief of Space Operations*, available at <https://www.spaceforce.mil/About-Us/About-Space-Force/Office-of-the-Chief-of-Space-Operations/> (last visited January 21, 2022).

¹⁰ Joe Wallace, *Space Force Bases*, available at <https://militarybase.net/space-force-bases/> (last visited on January 21, 2022).

¹¹ Space Launch Delta 45, *Space Launch Delta 45 Mission*, available at <https://www.patrick.spaceforce.mil/About-Us/> (last visited on January 21, 2022).

¹² National Aeronautics and Space Administration, *What is the “Range?”* available at https://www.nasa.gov/centers/kennedy/home/eastern_range.html (last visited January 21, 2022).

Space Launch Delta 45 launches space vehicles for the Department of Defense, NASA, and commercial customers both domestic and international.¹³

A number of Florida statutes specifically reference each recognized branch of the armed services when necessary to implement the purpose of the statute.

III. Effect of Proposed Changes:

The bill updates various sections of the Florida Statutes to reflect the creation and operations of Space Force as a separate branch of the armed forces.

Definition of “Uniformed Services” – Sections 1 and 3.

The definition of “uniformed services” in ss. 61.703, F.S., and 97.021, F.S., is amended to incorporate the newly created Space Force. Part IV of ch. 61, F.S., is related to the Uniform Deployed Parents Custody and Visitation Act. Adding the Space Force to the definition of uniformed services in this part includes such servicemembers in the act. The change in s. 97.021, F.S., applies to the entire elections code, and thus includes members of the Space Force in provisions related to voters in the uniformed services such as overseas/vote-by-mail statutes.¹⁴

Incorporation in Statutes that Specifically Identify Individual Armed Forces – Sections 2, 4, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

The bill amends the following sections to add the Space Force:

- Section 92.51(1), F.S., related to oaths or acknowledgments administered by a commissioned officer of the United States Armed Forces, to include Space Force in the list of branches of the armed forces that can witness or administer oaths, affidavits, or acknowledgements.
- Section 115.01, F.S., related to a leave of absence for military service, to include the Air Force, Marine Corps, and Space Force in the list of branches of the armed forces mentioned in the section; ch. 115, F.S., allows county or state officials or employees to take a leave of absence to serve when called into active service for a foreign war.
- Section 210.04(4)(a), F.S., related to an exemption to taxes for cigarettes sold on a post exchange, ship store, or base exchange, to include Space Force in the list of branches of the armed forces where such exemption applies.
- Section 250.43(2), F.S., related the penalty for wearing the uniform of the armed forces when not an officer or enlisted person in the armed forces, to include Space Force and the uniform of Space Force in the list of branches and uniforms of the armed forces covered by the prohibition.
- Section 250.52, F.S., pertaining to the penalty for the unlawful solicitation or persuasion of a citizen of the United States not to enlist in the armed forces, to include Space Force in the list of branches of the armed forces covered by the statute.
- Section 296.02(7), F.S., related to the Veterans’ Domiciliary Home of Florida Act, to include Space Force in the definition of “peacetime service” as used in the act; veterans of the Space

¹³ United States Space Force, *Space Launch Delta 45 Operations*, <https://www.patrick.spaceforce.mil/Units/Space-Launch-Delta-45-Operations/> (last visited on January 21, 2022).

¹⁴ See ss. 97.053, 101.62, 101.6921, and 101.6923, F.S.

Force will be eligible for admission to the Robert H. Jenkins Jr. Veterans' Domiciliary Home in Lake City.

- Section 461.002(3), F.S., related to exceptions to the regulations of podiatric medicine, to include graduate podiatric physicians of Space Force.
- Section 466.002(3), F.S., related to persons exempt from the regulations of dentists, dental hygienists, and dental laboratories, to include graduate dentists or dental surgeons of Space Force.
- Section 496.415(6), F.S., related to prohibited acts regarding persons or organizations soliciting funds, to prohibit a person from falsely stating that he or she is a member of the Space Force.
- Section 540.08(3), F.S., related to unauthorized publication of name or likeness for commercial or advertising purpose, to prohibit a person from using the name, portrait, photo, or other likeness of a member of the Space Force without the member's consent.
- Section 695.031(1), F.S., related to affidavits and acknowledgments by members of the armed forces and their spouses during real estate conveyances, to include the Air Force and Space Force in the list of branches of the armed forces whose members may acknowledge any instrument before another commissioned officer.
- Section 718.113(4), F.S., related to the regulation of condominium maintenance and display of flags, to allow display of a Space Force flag by a unit owner, regardless of any declaration rules or requirements for flags or decorations.
- Section 720.304(2)(a), F.S., related to homeowners' associations regulation of flag displays by homeowners, to allow display of a Space Force flag by a homeowner, regardless of any association covenants, restrictions, bylaws, rules, or requirements for flags or decorations.
- Section 790.25(3)(a), F.S., related to lawful weapons and firearms possession and use, to include Space Force in the list of branches of the armed forces whose members are not subject to certain open carry or concealed weapons laws when training or on duty.
- Section 817.312(1)(a), F.S., related to the unlawful use of uniforms, medals, or insignias, to prohibit a person from misrepresenting himself or herself as a member or veteran of the United States Space Force.
- Section 1000.36, F.S., to include Space Force in the Interstate Compact on Educational Opportunity for Military Children, contingent upon SB 430 or similar legislation extending the repeal date of the Interstate Compact on Educational Opportunity for Military Children taking effect.
- Section 1003.051(1)(b), F.S., related to the Purple Star Campus program, to include dependents of members of the Space Force in the definition of military student.

Military Installation Names – Section 5 and 12.

Sections 163.3175 and 331.304, F.S., are amended to recognize the new names of Patrick Space Force Base, previously known as Patrick Air Force Base, and Cape Canaveral Space Force Station, previously known as Cape Canaveral Air Force Station. These installations were redesignated as Space Launch Delta 45 on May 11, 2021.¹⁵

¹⁵ Patrick Space Force Base, Patrick Space Force, *Space Launch Delta 45 History*, <https://www.patrick.spaceforce.mil/history/> (last visited November 17, 2021).

Section 163.3175, F.S., relates to compatibility of development with military installations. Section 331.304(1), F.S., defines the state’s spaceport territories; Space Florida operates within and around such areas in its activities to promote and foster the space industry in the state.

Additionally spaceports are the subject of several Florida Statutes, such as establishing a temporary protection zone near a spaceport territory during a space launch under s. 327.462, F.S.; exempting industrial machinery and equipment for use by a new business conducting spaceport activities in a spaceport territory under s. 212.08, F.S.; and being including in transportation planning for spaceport infrastructure and related transportation projects under ch. 339, F.S.

Definition of “Armed Forces” and “United States Armed Forces” – Sections 7 and 10.

The bill amends the definitions of “armed forces” and “United States Armed Forces” under ss. 250.01 and 295.061, F.S., respectively, to incorporate the newly established Space Force as one of the United States Armed Forces.

Section 295.061, F.S., relates to the death benefits of active duty servicemembers and the bill includes members of the Space Force under these provisions.

The definition of armed forces under s. 250.01(4), F.S., is referenced in multiple other Florida Statutes. For example, members of the Space Force would be covered under the Florida Uniformed Servicemembers Protection Act in Part IV, ch. 250, F.S.

Reenactments Related to the Term “Servicemember” – Sections 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34.

Additionally, by amending the definition of “armed forces” in s. 250.01(4), F.S., the term “servicemember” defined in s. 250.01(19), F.S., will cover members of the Space Force. The term is used in multiple Florida Statutes, thereby extending the servicemembers of the Space Force to be included in these statutes. These include s. 83.683, F.S., related to rental applications by servicemembers; s. 320.07, F.S., related to provisions allow renewal of motor vehicle or mobile home registrations that expire while the servicemember is on active duty; and enhanced penalties under the Florida Unfair and Deceptive Trade Practices Act under s. 501.2077, F.S., for violations involving victims that are service members.

To incorporate the change, the following sections of law where the term “servicemember” as defined in s. 250.01, F.S., is specifically referenced are reenacted:

Statutes Re-Enacted to Incorporate Space Force Inclusion		
Bill Section	Florida Statute Section	Short Title
24	373.324	License Renewal (Active Well Contractors)
25	409.1664	Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers
26	520.14	Termination of retail installment contract for leasing a motor vehicle by a servicemember

27	627.7283	Cancellation; return of unearned premium
28	689.27	Termination by servicemember of agreement to purchase real property
29	790.015	Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity
30	790.06	License to carry concealed weapon or firearm
31	790.062	Members and veterans of United States Armed Forces; exceptions from licensure procedures
32	790.065	Sale and delivery of firearms
33	790.0655	Purchase and delivery of firearms; mandatory waiting period; exceptions, penalties
34	948.21	Condition of probation, community control; military service members and veterans

Section 35 – Effective Date

The effective date of the bill is July 1, 2022, except as otherwise provided.

Section 22, amending s. 1000.36, F.S., to include Space Force in the Interstate Compact on Educational Opportunity for Military Children, is effective contingent upon SB 430 or similar legislation extending the repeal date of the Interstate Compact on Educational Opportunity for Military Children taking effect.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Adding reference to the United States Space Force in the various statutes has no fiscal impact because the branch and its servicemembers were previously covered under the statutes under the Air Force. The Air Force Space Command was redesignated as the United States Space Force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.703, 92.51, 97.021, 115.01, 163.3175, 210.04, 250.01, 250.43, 250.52, 295.061, 296.02, 331.304, 373.324, 409.1664, 461.002, 466.002, 496.415, 520.14, 540.08, 627.7283, 689.27, 695.031, 718.113, 720.304, 790.015, 790.06, 790.062, 790.065, 790.0655, 790.25, 817.312, 948.21, 1000.36, and 1003.051.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on January 11, 2022:

The CS incorporates nine additional similarly situated statutory provisions relating to the Space Force which had not been included in the original bill. Those nine sections are identified and described below:

Florida Statute Section	Short Description
s. 92.51, F.S.	Adds Space Force to list of other Armed Forces.
s. 250.52, F.S.	Adds Space Force to list of other Armed Forces.
s. 331.304, F.S.	Amends names of certain Armed Forces bases to Space Force bases.

Florida Statute Section	Short Description
s. 461.002, F.S.	Adds Space Force to list of other Armed Forces.
s. 466.002, F.S.	Adds Space Force to list of other Armed Forces.
s. 496.415, F.S.	Adds Space Force to list of other Armed Forces.
s. 817.312, F.S.	Adds Space Force to list of other Armed Forces.
s. 1000.36, F.S.	Amends definition of “uniformed services” to include the Space Force.
s. 1003.51, F.S.	Adds Space Force to the definition of a military student.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
