

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 Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 438

INTRODUCER: Senator Burgess

SUBJECT: United States Space Force

DATE: January 10, 2022

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Lloyd | Caldwell | MS | Pre-meeting |
| 2. | | | ATD | |
| 3. | | | AP | |

I. Summary:

SB 438 updates definitions and references in the Florida Statutes relating to the “armed forces,” “uniformed services,” and “peacetime service” to include the United States Space Force, the newest Armed Force of the United States. The bill also re-enacts those sections of Florida Statutes which reference the term “servicemember” to incorporate the amendment made to the definition of “armed forces.”

SB 438 has no fiscal impact. The bill is effective July 1, 2022.

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 under the Fiscal Year 2020 National Defense Authorization Act, the first new Armed Force since the United States Air Force was authorized in 1957.¹ The effective date of the Act was December 20, 2019.²

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 and given the mission to organize, train, and equip Guardians to conduct global space operations that enhance the way the country’s

¹ Secretary of Defense, *Memorandum for Chief Management Officer of the Department of Defense (December 20, 2019), Establishment of the United States Space Force*) available at <https://media.defense.gov/2019/Dec/20/2002228281/-1/-/1/1/ESTABLISHMENT-OF-THE-UNITED-STATES-SPACE-FORCE.PDF?source=GovDelivery> (last visited: November 17, 2021).

² Public Law 116-92, div. A, title IX, s. 952(d), December 20, 2019, 133 Stat. 1562.

joint and coalition forces fight while offering decision makers military options to achieve national objectives.³

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.⁴ 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.⁵

The Space Force also includes a Chief of Space Operations who serves at the Pleasure of the President, by and with advice of the Senate. The Chief of Space Operations, who reports to the Secretary of the Air Force, began serving as a member of the Joint Chief of Staff one year after the effective date of the enabling federal legislation.⁶

III. Effect of Proposed Changes:

Amends definition of “Uniformed Services” – Sections 1 and 2.

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 as the sixth Armed Force of the United States Armed Forces and to align with changes made under the Fiscal Year 2020 National Defense Authorization Act.

Amends statutory references which identify the individual armed forces to incorporate the Space Force with the recognized list of Armed Forces – Sections 3, 5, 7, 11, 12, 13, and 14.

Section 115.01, F.S., relating to leaves of absence for military service; s. 163.3175, F.S., relating to military installations; s. 210.04, F.S., relating to taxes on items sold at post exchanges, ship service stores, slop chests, or base exchanges; s. 250.43, F.S., relating to the wearing of uniforms and insignia of rank; s. 695.031, F.S., relating to affidavits and acknowledgements; s. 718.113, F.S., relating to the maintenance and display of flags, hurricane shutters, or religious decorations; s. 720.304, F.S., relating to the rights of owners to peaceably assemble, display the flag, and the prohibition of SLAPP suits; and s. 790.25, F. S., relating to the lawful ownership of firearms and other weapons are amended to add a reference to Space Force as the sixth Armed Forces unit of the United States Armed Forces as created under federal law. This amendment to the Florida Statutes will complement the federal legislation.

Renames Certain Military Installations – Section 4.

Section 163.3175, F.S., is 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

³ United States Space Force, *About the United States Space Force*, <https://www.spaceforce.mil/About-Us/About-Space-Force/> (last visited November 17, 2021).

⁴ 10 U.S.C.s, 9081(b) (2019). The United States Space Force.

⁵ 10. U.S.C. s 9082(c) (2019). The United States Space Force Operations.

⁶ 10 U.S.C. s. 9082 (d), (e) (2019) Chief of Space Operations.

known as Cape Canaveral Air Force Station. These installations were redesignated as Space Launch Delta 45 on May 11, 2021.⁷

Amends definition of “Armed Forces” and United States Armed Forces” – Sections 6, 8, and 10.

The definitions of “Armed Forces,” “United States Armed Forces,” and “member of the armed forces” are amended under ss. 250.01, F.S., 295.061, F.S., and 540.08, F.S., respectively, to incorporate the newly established Space Force as one of the United States Armed Forces. Space Force is added to the state statutes as one of the six components of the United States Armed Forces to update state law with recent federal law changes.

Amends definition of “Peacetime service” – Section 9.

The definition of “Peacetime service” in s. 296.02, F.S., is amended to incorporate Space Force, the newly created Armed Force within the Department of the Air Force and to align federal and state law with those recent changes in federal law.

Incorporation of amendment and re-enactment relating to the term “servicemember” – Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25.

The bill amends the definition of “Armed Forces” which is referenced in the definition of “servicemember” in s. 250.01(1)(19), F.S.⁸ To incorporate the amendment made to the definition of “Armed Forces” in the earlier sections of the bill, the following sections of statute where the term “servicemember” are referenced are re-enacted:

| Statutes Re-Enacted to Incorporate Space Force Inclusion | | |
|---|------------------------|--|
| Bill Section | Statute Section | Short Title |
| 15 | 373.324, F.S. | License Renewal |
| 16 | 409.1664, F.S. | Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers |
| 17 | 520.14, F.S. | Termination of retail installment contract for leasing a motor vehicle by a servicemember |
| 18 | 627.7283., F.S. | Cancellation; return of unearned premium |
| 19 | 689.27, F.S. | Termination by servicemember of agreement to purchase real property |
| 20 | 790.015, F.S. | Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity |
| 21 | 790.06, F.S. | License to carry concealed weapon or firearm |
| 22 | 790.062, F.S. | Members and veterans of United States Armed Forces; exceptions from licensure procedures |
| 23 | 790.065, F.S. | Sale and delivery of firearms |

⁷ Patrick Space Force Base, Patrick Space Force, *Space Launch Delta 45 History*, <https://www.patrick.spaceforce.mil/history/> (last visited November 17, 2021).

⁸ Section 250.01(1)(d), F.S. defines “Servicemember” to mean any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

| | | |
|----|----------------|--|
| 24 | 790.0655, F.S. | Purchase and delivery of firearms; mandatory waiting period; exceptions, penalties |
| 25 | 948.21, F.S. | Condition of probation, community control; military service members and veterans |

Section 26 – Effective Date

The effective date of the bill is July 1, 2022.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Since SB 438 was released, nine additional similarly situated statutory sections relating to the Space Force have been identified. To ensure statutory consistency with the other changes

proposed in SB 438, consideration could be given to modify these additional sections. The identified sections and the complementary modification are described in the table below.

| Supplemental Statutory Sections | |
|--|--|
| Statutory Citation | Technical Deficiency |
| 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 Air Force Bases to Space Force Bases. |
| s. 461.002, F.S. | Adds Space Force to of other Armed Forces. |
| s. 466.002, F.S. | Adds Space Force to a list of other Armed Forces. |
| s. 496.415, F.S. | Adds United States Space Force to list of other Armed Forces. |
| s. 817.312, F.S. | Adds United States Space Force to list of other Armed Forces groups. |
| s. 1000.36, F.S. | Amends definition of “uniformed services” to include Space Force. |
| s. 1003.51, F.S. | Adds Space Force to definition of a “military student.” |

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.