

CHAPTER 57-20 ORGANIZATION

57-20.001 General.

To the extent required by law, these rules were established in accordance with Chapter 120, Florida Statutes. Any requests for information about Space Florida should be submitted in writing to the Vice President, Communications, Government and External Affairs, or his or her designee, at P. O. Box 656, Cape Canaveral, Florida 32920-0656. As new procedures or revisions to existing ones are called for, they will be approved by the Board of Directors and through state rule approval processes and procedures.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.3101(1) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101(1) FS. History--New 1-25-09.

57-20.002 Space Florida Description.

Space Florida was created as an independent special district, a body politic and corporate and subdivision of state government in 2006 by the Governor and Legislature. The Space Florida Act, Chapter 331, Part II, F.S., outlines the purpose, powers, and duties of Space Florida.

(1) Under Sections 331.310(1)(j), (2)(a) and (d), F.S., the Board of Directors of Space Florida is required to adopt rules to carry out Space Florida's mission. This document provides such rules and is intended as a reference guide and basis for implementation of Space Florida's administrative procedures.

(2) The President is responsible for ensuring that these rules are followed, establishing systems required to implement the rules, and providing procedural direction in cases where the rules are determined to be unspecified.

(3) It is estimated that enforcement of these rules will cause no significant economic impact to the State of Florida. Space Florida's policy of fiscal responsibility and accountability is in keeping with the policies and needs of the Governor, Legislature, and citizens of the State of Florida. These rules are intended to enable Space Florida to operate at maximum efficiency while meeting the requirements of applicable Florida Statutes. Where possible, the rules were crafted to enable operational and administrative cost savings.

(4) Chapter 331, Part II, F.S., outlines the purpose, powers, and duties of Space Florida.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.3101(1) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101(1) FS. History--New 1-25-09.

57-20.003 Officers of Space Florida.

(1) The President is the Chief Administrative and Operational Officer for the Board of Directors of Space Florida, and shall direct and supervise the administrative affairs of the Board of Directors and Space Florida. The Board of Directors may delegate to the President those powers and responsibilities it deems appropriate, except for the appointment of a President.

(2) The Treasurer of Space Florida shall have charge of the funds of Space Florida with the advice and consent of the Board of Directors, as provided in Section 331.309, F.S. The Board may give the Treasurer such other or additional powers and duties as the Board may deem appropriate, as provided in Section 331.309, F.S.

(3) Any other officers of Space Florida shall have such powers and duties as may be prescribed by the Board of Directors.

(4) The Board shall establish the compensation of the President, Treasurer, and any other officer of Space Florida as provided in Sections 331.309 and 331.310, Florida Statutes.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.309, 331.310 FS. History--New 1-25-09.

57-20.004 Public Meetings.

(1) In accordance with the provisions of Sections 286.011 and 189.417, F.S., all meetings of any board or commission of Space Florida, unless exempted by the statute, at which official acts are to be taken, are public meetings which shall be open to the public at all times.

(2) Space Florida will provide sufficient prior public notice of the meetings as required by statute.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d) FS. History–New 1-25-09.

57-20.005 Public Information.

The Vice President, Communications, Government and External Affairs, or his or her designee, is designated as the contact for the purpose of obtaining information as to the location and method of acquiring or reviewing any form, publication, or documents which Space Florida makes available to the public. All public information requests shall be submitted in writing to the Vice President, Communications, Government and External Affairs, or his or her designee, who will serve as the clerk and will normally be found at the headquarters office of Space Florida during regular business hours (8:30 a.m. to 5:00 p.m.). Subject to the exceptions and exemptions set forth in Sections 331.326 and 288.075, and other applicable Florida Statutes, Space Florida shall make and retain records and comply with the applicable sections in Chapter 119, F.S.

(1) All material which has been classified confidential, proprietary or trade secret shall be exempt from Chapter 119, F.S., and will be accorded stringent internal procedural safeguards against public disclosure.

(2) Space Florida, under provisions of the Space Florida Act, Section 331.326 as well other applicable Florida Statutes, is extended exemptions to Chapter 119, F.S.

(a) Given Space Florida's extensive close interaction with aerospace-related businesses operating both within and outside of Space Florida territories, and given Space Florida's regulatory capacity on its territories, the transfer of confidential, proprietary or trade secret information in implicit confidence to Space Florida is a common occurrence. Space Florida, in compliance with its statutory duties, will keep such information from the public record.

(b) Space Florida also interacts on a frequent basis with the Air Force, other Federal agencies, and international government agencies, often discussing their sensitive or confidential information. In consideration of the proprietary status given such information by those organizations, Space Florida will classify it as confidential, proprietary or trade secret on a case by case basis as provided for in Sections 812.081, 288.075 and 331.326 or other applicable Florida Statutes.

(c) To maintain the proprietary status of any sensitive information, Space Florida's managerial staff is authorized to officially classify any information as confidential, proprietary or trade secret on a case by case basis in accordance with statutory provisions, including but not limited to Sections 812.081, 288.075 and 331.326, F.S.

(3) Unless exempted by statute Space Florida's documents and records, including correspondence, reports, planning documents, reference documents, maps, and computer files, shall be open and kept for public access.

(4) Space Florida's preparation and provision of responses to public information requests shall be subject to the charges that are permitted under Chapter 119, F.S.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.326 FS. History–New 1-25-09.

57-20.006 Board of Directors.

The Space Florida Board of Directors shall, from time to time, create committees of the Board consisting of members of the Board and external experts and professionals to advise the Board on matters relating to Space Florida's mission and operation. The recommendations of such committees shall be submitted to the Space Florida Board of Directors for consideration.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d) FS. History–New 1-25-09.

CHAPTER 57-30 SAFETY OFFICER RESPONSIBILITIES AND AUTHORITY

57-30.001 Responsibilities.

Space Florida's Safety Officer is responsible for the maintenance and implementation of a comprehensive safety and loss prevention plan as specified by Florida Statutes.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. History--New 1-25-09.

CHAPTER 57-40 HAZARDOUS MATERIALS SAFETY

57-40.001 Scope.

These rules apply to all persons, companies and organizations conducting or performing space launch, pre-launch or satellite processing, and rocket motor or aerospace related hazardous materials use, storage, and transportation activities commercially within the jurisdiction of Space Florida with the following exceptions:

(1) These rules shall not apply to the transportation of aerospace related explosives when under the jurisdiction of and in compliance with the regulations of the United States Department of Transportation, 49 C.F.R., Parts 177-379, incorporated by reference herein.

(2) These rules shall not apply to the regular Armed Forces of the United States, or to any duly organized military force of any state or territory thereof.

(3) These rules shall not apply to the transportation and use, in the normal and emergency operations, of federal agencies such as the Federal Bureau of Investigation or the Secret Service.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. History--New 1-25-09.

57-40.002 General Requirements.

(1) No person shall store, handle or transport aerospace related hazardous materials when such storage, handling, and transportation constitutes a hazard to life or property.

(2) Quantities of hazardous materials handled at any location within the state and within the jurisdiction of Space Florida shall be restricted by the Safety Officer of Space Florida.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. History--New 1-25-09.

57-40.003 Hazardous Material Selection.

The selection of hazardous materials shall be based on flammability and combustibility, toxicity and compatibility.

(1) The least flammable liquid or material shall be used where feasible.

(2) The least toxic liquid or material shall be used where feasible.

(3) Materials that do not give off a toxic gas if ignited shall be used where feasible.

(4) Hazardous materials, including leakage, shall not come into contact with a non-compatible material that can cause a hazard during ground operations. The Safety Officer will provide oversight of the usage and disposal of hazardous materials, but day-to-day operations will be the responsibility of the Operator. An "Operator" for purposes of Chapter 57, F.A.C., shall mean any tenant, contractor, subcontractor or employee utilizing Space Florida facilities. The Safety Officer shall give an Operator thirty (30) days to correct any hazards, unless it is determined to be an immediate hazard, in which case the Operator must act immediately to mitigate the hazard.

(5) Hazardous materials shall not retain a charge that presents an ignition source to ordnance or propellants or a hazard to personnel during ground operations. The Safety Officer will provide oversight of the usage and disposal of hazardous

materials, but day-to-day operations will be the responsibility of the Operator.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. History--New 1-25-09.

57-40.004 Hazardous Material Test Requirements.

(1) If the physical properties of the material or liquid are unknown, standard testing conducted by a laboratory certified by the National Institute of Standards and Technology shall be performed to determine the hazard. If the material or liquid is found to be hazardous, it shall be handled and controlled as a hazardous material.

(2) Safety documentation shall include a listing of all hazardous materials and liquids on space flight hardware and ground processing equipment or is used during ground operations.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. History--New 1-25-09.

57-40.005 Hazardous Materials Storage and Handling.

Equipment for handling and/or storing of hazardous materials and chemicals shall be designed by qualified engineers using industry standards to prevent hazardous chemicals from spilling or leaking, and, thereby, injuring personnel, damaging property, or contaminating the environment.

Specific Authority 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.305(18), 331.350(3) FS. History--New 1-25-09.

CHAPTER 57-50 TRAVEL AND ENTERTAINMENT EXPENSE

57-50.001 General.

This chapter establishes the rules regarding the reimbursement of business clients, guests, and authorized persons as defined in Section 112.061(2)(e), F.S., and direct payments to third-party vendors:

(1) For travel expenses of such business clients, guests, and authorized persons incurred in connection with the performance of Space Florida's statutory duties, and for travel expenses incurred by Space Florida officers, as defined in Section 112.061(2)(c), F.S., and Space Florida employees, as defined in Section 112.061(2)(d), F.S., while accompanying such business clients, guests, or authorized persons or when authorized by the Board of Directors or its designee.

(2) For entertainment expenses of such guests, business clients, and authorized persons incurred in connection with the performance of Space Florida's statutory duties.

Rulemaking Authority 331.310(1)(j), (2)(a), (d), 331.3101 FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101 FS. History--New 11-29-09.

57-50.002 Approval of Travel and Entertainment Expenses.

(1) All travel and entertainment expenses must be authorized and approved by the President, Chief Financial Officer of Space Florida, or their designees. Paid receipts, or copies thereof, must be attached to the request for reimbursement.

(2) Travel and entertainment expenses of guests, business clients, and authorized persons shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by Space Florida.

(3) The reimbursement policy for travel and entertainment expenses shall be in accordance with Sections 112.061 and 331.3101, F.S.

Rulemaking Authority 331.310(1)(j), (2)(a), (d), 331.3101 FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101 FS. History--New 11-29-09.

57-50.003 Authority of the President to Make Advance Payments for Travel.

The President, Chief Financial Officer of Space Florida, or their designees, may make, or authorize the making of, advances to cover anticipated costs of travel to guests, business clients, and authorized persons. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the guests, business clients, and authorized persons in the performance of public purpose authorized by law to be performed by Space Florida. The guest, business client, or authorized person shall refund any unused portion of the advancement within 15 days after the expense is incurred or the travel is completed. If the advancement is made solely for travel expenses, paid receipts shall be submitted and any unused portion of the advancement shall be refunded within 30 days after completion of the travel.

Rulemaking Authority 331.310(1)(j), (2)(a), (d), 331.3101 FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101 FS. History--New 11-29-09.

CHAPTER 57-60 VENDORS

57-60.001 General.

This chapter establishes the rules regarding Space Florida's relations with its vendors in connection with unsolicited proposals (including sponsorship and grant requests), solicited proposals, and sole source processes. A "Vendor" is defined as any organization or person (other than an employee) who receives compensation from Space Florida.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.324 FS. History--New 1-25-09.

57-60.002 Unsolicited Proposals.

Any unsolicited project, product offering, service offering, grant request, sponsorship request or financing proposal (the "Proposal") received by Space Florida must comply with the following guidelines and shall be subject to the review and consideration process outlined below:

(1) The prospective Vendor must request a Project Proposal and Financing Request Form, (Form No. SF09-10-001, Effective Date: December 1, 2008) ("PPFR Form"), incorporated by reference herein, from Space Florida. The PPFR Form can be requested from Space Florida by submitting a written request to the Vice President, Communications, Government and External Affairs, or his or her designee, at P. O. Box 656, Cape Canaveral, Florida 32920-0656.

(2) The prospective Vendor must complete the PPFR Form and return it to Space Florida for review and evaluation in accordance with the instructions set forth in the form.

(3) The staff of Space Florida will review and evaluate the Proposal along with the Board or a committee of the Board and the appropriate advisory committee, if necessary. If the Proposal has been approved, then the President, Chief Financial Officer of Space Florida, or their designees, will execute the PPFR Form before any action may be taken to initiate the project or allocate any funds.

(4) The original PPFR Form shall be kept on file with Space Florida. Once the Proposal has been evaluated and Space Florida has made decisions to either approve or reject the Proposal, Space Florida shall provide the prospective Vendor with a copy of the completed PPFR Form with the appropriate signatures. If the Proposal is denied, Space Florida shall retain the denied PPFR Form and related documentation on file in a denied proposal request file, in accordance with the provisions of Chapter 119, F.S. The rationale for the denial shall be included with each PPFR Form in the denied request file and such rationale shall be provided to the prospective Vendor.

(5) Any unsolicited Proposal which is not submitted in accordance with the guidelines described above shall be returned to the prospective Vendor.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.324 FS. History--New 1-25-09.

57-60.003 Solicited Proposals.

To the extent that the President, Chief Financial Officer of Space Florida or their designees, solicit proposals from prospective Vendors to provide goods or services to Space Florida, such solicitations shall be in accordance with the terms

and conditions described in such solicitations which shall be listed on Space Florida's website located at <http://www.spaceflorida.gov/businessopps.php>.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.324 FS. History--New 1-25-09.

57-60.004 Sole Source Justification Standards.

Space Florida is authorized to enter into sole source contracts with prospective Vendors once the following conditions have been satisfied:

- (1) The contract or purchase is approved with justification in writing by the President, Chief Financial Officer of Space Florida, or their designees; and
- (2) Is justifiable based upon one or more of the categories below:
 - (a) The Vendor is deemed the only capable provider of good's or services;
 - (b) Time constraints which preclude using the normal selection process;
 - (c) Unique qualifications;
 - (d) Vendor being a public/private partnership, government agency, or instrumentality; or
 - (e) Written notification by the Office of Tourism, Trade and Economic Development that a sole source bid is in the best interest of the state.

Specific Authority 331.310(1)(j), (2)(a), (d) FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.324 FS. History--New 1-25-09.

CHAPTER 57-70 SPACE FLORIDA OPERATIONS

57-70.001 Operational Procedures.

(1) In case of conflict regarding the powers and duties of Space Florida, the Florida Constitution shall govern over the controlling statute, the controlling statute shall govern over the rules, the rules shall govern over the internal governance policies, and the internal governance policies shall govern over the internal organizational policies and procedures of Space Florida.

(2) The Board shall adopt an operating budget for each fiscal year. The President or designated Standing Committee shall be responsible for presenting a proposed budget to the Board. The budget may be amended by the Board.

(3) The President, Chief Financial Officer of Space Florida, or their designees, shall have the authority to enter into contracts as the Board may approve, or as approved by the Board through the enactment of policies pertaining to matters of procurement and program delivery. The Board is authorized to empower any other officer or officers, agent or agents, to enter into any contracts or execute and deliver any instrument in the name of and on behalf of Space Florida, and such authority may be general or confined to specific instances.

(4) No loans shall be contracted on behalf of Space Florida and no evidence of indebtedness shall be issued in its name unless authorized by resolution of the Board. Loans, other than through the purchase of bonds, debentures, or similar obligations of the type customarily sold in public offerings, or through ordinary deposit of funds in a bank, may not be made by Space Florida to the members of the Board, officers or employees or to any other corporation, firm, association or other entity in which one or more of the members, officers or employees is a member, officer or employee or a beneficial owner of 10 percent or more of such entity.

(5) All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of Space Florida shall be signed by such officer or officers, agent or agents, of Space Florida and in such manner as shall from time to time be determined by resolution of the Board.

Specific Authority 331.310(1)(j) FS. Law Implemented 331.310(2)(a), 331.310(2)(f) FS. History--New 1-25-09.