

1 A bill to be entitled
2 An act relating to Space Florida; amending s. 20.60,
3 F.S.; requiring the Secretary of Economic Opportunity
4 to serve as the manager for the state with respect to
5 contracts with Space Florida; requiring a certain
6 report by the Department of Economic Opportunity to
7 include an annual report on Space Florida; amending s.
8 288.0001, F.S.; requiring the Office of Economic and
9 Demographic Research and the Office of Program Policy
10 and Government Accountability to provide to the
11 Governor and the Legislature an analysis of Space
12 Florida by a date certain and thereafter at certain
13 intervals; amending s. 331.303, F.S.; revising
14 definitions; amending s. 331.305, F.S.; making a
15 technical change; amending s. 331.3051, F.S.; revising
16 the duties of Space Florida; amending s. 331.3081,
17 F.S.; revising membership of the board of directors of
18 Space Florida; providing for staggered terms,
19 appointments, filling of vacancies, removal of
20 members, and meetings of the board; providing that
21 members serve without compensation but may receive
22 reimbursement for per diem and travel expenses;
23 requiring the board to conduct certain education for
24 new board members; prohibiting Space Florida from
25 endorsing a candidate or contributing moneys to a

26 | campaign; amending s. 331.310, F.S.; conforming a
 27 | cross-reference; amending s. 331.3101, F.S.; requiring
 28 | the annual report of Space Florida to include certain
 29 | information; prohibiting Space Florida from expending
 30 | funds on certain expenses; providing that certain
 31 | expenses may not exceed a certain amount; revising the
 32 | scheduled expiration of provisions requiring certain
 33 | information in an annual report; abrogating the
 34 | scheduled expiration of provisions relating to the
 35 | expenditure of certain funds; amending s. 331.312,
 36 | F.S.; providing Space Florida with certain authority;
 37 | amending s. 331.313, F.S.; requiring Space Florida to
 38 | consult with certain agencies and jurisdictions;
 39 | requiring Space Florida to advise the Department of
 40 | Transportation of certain determinations and take
 41 | certain actions relating to certain construction
 42 | projects; amending s. 331.324, F.S.; requiring Space
 43 | Florida to make and obtain certain assessments;
 44 | requiring the submission of a final assessment report
 45 | to certain persons; requiring the board of directors
 46 | to submit a certain statement to the Department of
 47 | Economic Opportunity; requiring Space Florida to
 48 | complete a certain assessment at certain intervals
 49 | beginning on a certain date; providing that the
 50 | provisions of this act shall control to the extent of

51 certain conflicts; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Paragraph (b) of subsection (9) and paragraph
56 (b) of subsection (10) of section 20.60, Florida Statutes, are
57 amended to read:

58 20.60 Department of Economic Opportunity; creation; powers
59 and duties.—

60 (9) The secretary shall:

61 (b) Serve as the manager for the state with respect to
62 contracts with Space Florida, Enterprise Florida, Inc., and all
63 applicable direct-support organizations. To accomplish the
64 provisions of this section and applicable provisions of chapters
65 ~~chapter~~ 288 and 331, and notwithstanding the provisions of part
66 I of chapter 287, the secretary shall enter into specific
67 contracts with Space Florida, Enterprise Florida, Inc., and
68 other appropriate direct-support organizations. Such contracts
69 may be for multiyear terms and must include specific performance
70 measures for each year. For purposes of this section, the
71 Florida Tourism Industry Marketing Corporation and the Institute
72 for Commercialization of Florida Technology are not appropriate
73 direct-support organizations.

74 (10) The department, with assistance from Enterprise
75 Florida, Inc., shall, by November 1 of each year, submit an

76 | annual report to the Governor, the President of the Senate, and
 77 | the Speaker of the House of Representatives on the condition of
 78 | the business climate and economic development in the state.

79 | (b) The report must incorporate annual reports of other
 80 | programs, including:

81 | 1. Information provided by the Department of Revenue under
 82 | s. 290.014.

83 | 2. Information provided by enterprise zone development
 84 | agencies under s. 290.0056 and an analysis of the activities and
 85 | accomplishments of each enterprise zone.

86 | 3. The Economic Gardening Business Loan Pilot Program
 87 | established under s. 288.1081 and the Economic Gardening
 88 | Technical Assistance Pilot Program established under s.
 89 | 288.1082.

90 | 4. A detailed report of the performance of the Black
 91 | Business Loan Program and a cumulative summary of quarterly
 92 | report data required under s. 288.714.

93 | 5. The Rural Economic Development Initiative established
 94 | under s. 288.0656.

95 | 6. The Florida Unique Abilities Partner Program.

96 | 7. A detailed report of the performance of the Florida
 97 | Development Finance Corporation and a summary of the
 98 | corporation's report required under s. 288.9610.

99 | 8. Information provided by Space Florida under s. 331.3051
 100 | and an analysis of the activities and accomplishments of Space

101 Florida.

102 Section 2. Paragraph (e) is added to subsection (2) of
 103 section 288.0001, Florida Statutes, to read:

104 288.0001 Economic Development Programs Evaluation.—The
 105 Office of Economic and Demographic Research and the Office of
 106 Program Policy Analysis and Government Accountability (OPPAGA)
 107 shall develop and present to the Governor, the President of the
 108 Senate, the Speaker of the House of Representatives, and the
 109 chairs of the legislative appropriations committees the Economic
 110 Development Programs Evaluation.

111 (2) The Office of Economic and Demographic Research and
 112 OPPAGA shall provide a detailed analysis of economic development
 113 programs as provided in the following schedule:

114 (e) By January 1, 2024, and every 3 years thereafter, an
 115 analysis of Space Florida established under part II of chapter
 116 331.

117 Section 3. Subsections (1) and (9) of section 331.303,
 118 Florida Statutes, are amended to read:

119 331.303 Definitions.—

120 (1) "Aerospace" means the technology and industry related
 121 to the design, manufacture, maintenance, repair, and operation
 122 of aircraft or any other device intended to be used or designed
 123 for flight or reentry, including that designs and manufactures
 124 ~~aircraft,~~ rockets, missiles, spacecraft, satellites, space
 125 vehicles, space stations, space and aircraft facilities or

126 components thereof, and related equipment, systems, facilities,
 127 simulators, programs, and ~~related~~ activities, including, but not
 128 limited to, the application of aerospace and aviation
 129 technologies in air-based, land-based, space-based, and sea-
 130 based platforms for commercial, civil, and defense purposes.

131 (9) "Landing area" means the geographical area designated
 132 by Space Florida or another appropriate body within the
 133 spaceport territory for or intended for the landing,
 134 controlling, assisting, flying, navigating, piloting,
 135 maintenance, construction, and surface maneuvering of any launch
 136 or other space vehicle or aerospace technology or craft.

137 Section 4. Subsection (13) of section 331.305, Florida
 138 Statutes, is amended to read:

139 331.305 Powers of Space Florida.—Space Florida may:

140 (13) Own, acquire, construct, reconstruct, equip, operate,
 141 maintain, extend, or improve electric power plants, transmission
 142 lines and related facilities, gas mains and facilities of any
 143 nature for the production or distribution of natural gas,
 144 transmission lines and related facilities and plants and
 145 facilities for the generation and transmission of power through
 146 traditional and new and experimental sources of power and
 147 energy; purchase electric power, natural gas, and other sources
 148 of power for distribution within any spaceport territory;
 149 develop and operate water and sewer systems and waste collection
 150 and disposal consistent with chapter 88-130, Laws of Florida;

151 and develop and operate such new and experimental public
 152 utilities, including, but not limited to, centrally distributed
 153 heating and air-conditioning facilities and services, closed-
 154 circuit television systems, and computer services and
 155 facilities, as the board may from time to time determine.
 156 However, Space Florida may not construct any system, work,
 157 project, or utility authorized to be constructed under this
 158 subsection ~~paragraph~~ in the event that a system, work, project,
 159 or utility of a similar character is being actually operated by
 160 a municipality or private company in the municipality or
 161 territory adjacent thereto, unless such municipality or private
 162 company consents to such construction.

163 Section 5. Subsection (11) of section 331.3051, Florida
 164 Statutes, is renumbered as subsection (16), subsections (2),
 165 (3), and (6), paragraph (e) of subsection (7), and present
 166 subsection (11) are amended, and a new subsection (11) and
 167 subsections (12) through (15) are added to that section, to
 168 read:

169 331.3051 Duties of Space Florida.—Space Florida shall:

170 (2) Enter into agreement with the Department of Education,
 171 the Department of Transportation, the Department of Economic
 172 Opportunity ~~Enterprise Florida, Inc.~~, and CareerSource Florida,
 173 Inc., for the purpose of implementing this act.

174 (3) In cooperation with the Department of Economic
 175 Opportunity ~~Enterprise Florida, Inc.~~, develop a plan to retain,

176 expand, attract, and create aerospace industry entities, public
177 or private, which results in the creation of high-value-added
178 businesses and jobs in this state.

179 (6) Develop, in cooperation with the Department of
180 Economic Opportunity ~~Enterprise Florida, Inc.~~, a plan to provide
181 financing assistance to aerospace businesses. The plan may
182 include the following activities:

183 (a) Assembling, publishing, and disseminating information
184 concerning financing opportunities and techniques for aerospace
185 projects, programs, and activities; sources of public and
186 private aerospace financing assistance; and sources of
187 aerospace-related financing.

188 (b) Organizing, hosting, and participating in seminars and
189 other forums designed to disseminate information and technical
190 assistance regarding aerospace-related financing.

191 (c) Coordinating with programs and goals of the Department
192 of Defense, the National Aeronautics and Space Administration,
193 the Export-Import Bank of the United States, the International
194 Trade Administration of the United States Department of
195 Commerce, the Foreign Credit Insurance Association, and other
196 private and public programs and organizations, domestic and
197 foreign.

198 (d) Establishing a network of contacts among those
199 domestic and foreign public and private organizations that
200 provide information, technical assistance, and financial support

201 to the aerospace industry.

202 (e) Financing aerospace business development projects or
 203 initiatives using funds provided by the Legislature.

204 (7) Carry out its responsibilities for spaceport
 205 operations by:

206 (e) Consulting regularly, ~~as necessary~~, with the
 207 appropriate federal, state, and local authorities, including the
 208 National Aeronautics and Space Administration, the Federal
 209 Aviation Administration, the Department of Defense, the
 210 Department of Transportation, the Florida National Guard, and
 211 industry on all aspects of establishing and operating spaceport
 212 infrastructure and related aerospace facilities within the
 213 state.

214 (11) Regularly solicit input on Space Florida plans and
 215 activities from the aerospace industry, private sector spaceport
 216 territory stakeholders, each entity that owns or has ownership
 217 interest in a facility within spaceport territory, and other
 218 political subdivisions within spaceport territory.

219 (12) Partner with the Board of Governors to foster
 220 technological advancement and economic development for spaceport
 221 activities by strengthening higher education programs and
 222 supporting aerospace activities.

223 (13) Partner with the Division of Workforce Services of
 224 the Department of Economic Opportunity, CareerSource Florida,
 225 Inc., and local workforce development boards to support

226 initiatives that address the high technology skills and staff
227 resources needed to better promote the state's efforts in
228 becoming the nation's leader in aerospace and space exploration.

229 (14) Partner with the Metropolitan Planning Organization
230 Advisory Council to coordinate and specify how aerospace
231 planning and programming will be part of the state's cooperative
232 transportation planning process.

233 (15) By October 1, 2023, and each year thereafter, submit
234 to the Department of Economic Opportunity for inclusion in the
235 annual report required under s. 20.60 a complete and detailed
236 written report setting forth:

237 (a) Its operations and accomplishments during the fiscal
238 year.

239 (b) Accomplishments and progress concerning the
240 implementation of the spaceport master plan and other measurable
241 goals, and any updates to such plan and measurable goals.

242 (c) Any other information required by the Department of
243 Economic Opportunity.

244 (16) (a) ~~(11)~~ In addition to the reporting requirements in
245 chapter 189, annually report on its performance with respect to
246 its business plan, to include finance, spaceport operations,
247 research and development, workforce development, and education.

248 (b) Space Florida shall submit the report to the Governor,
249 the President of the Senate, and the Speaker of the House of
250 Representatives by November 30 for the previous fiscal year.

251 (c) The annual report must include operations information
252 as required under s. 331.310(2)(e) and data on the economic
253 impact of the aerospace industry in the state during the
254 previous year, including, but not limited to, the amount and
255 sources of capital investment, the number of jobs created and
256 retained, and annualized average wages, listed by geographic
257 areas within the state as specified by the board.

258 Section 6. Section 331.3081, Florida Statutes, is amended
259 to read:

260 331.3081 Board of directors.—

261 (1) Space Florida shall be governed by an ~~a 13-member~~
262 independent board of directors that consists of the Governor,
263 who shall serve ex officio, or who may appoint a designee to
264 serve, as the chair and a voting member of the board, and the
265 following appointed members:

266 (a) The Secretary of Transportation or his or her
267 designee.

268 (b) Five members appointed by the Governor who must each
269 reflect the state's interests in the aerospace sector and
270 represent the intent, duties, and purpose of Space Florida, or
271 have at least 5 years of experience in at least one of the
272 following areas:

273 1. The aerospace industry. Such member may not be
274 currently employed by an entity that is under contract with
275 Space Florida.

276 2. Bond financing.

277 3. Academic experience in aerospace, aviation, or a
 278 relevant science.

279 4. An aircraft facilities manager, a fixed-based operator,
 280 or a commercial airport operator.

281 (c) One member appointed by the President of the Senate,
 282 who has at least 5 years of experience as provided in paragraph
 283 (b).

284 (d) One member appointed by the Speaker of the House of
 285 Representatives, who has at least 5 years of experience as
 286 provided in paragraph (b).

287 (e) A representative of each of the following entities,
 288 who shall serve as an ex officio, nonvoting member of the board,
 289 appointed by the Governor:

290 1. The Jacksonville Aviation Authority.

291 2. The Titusville-Cocoa Airport Authority.

292 3. An employee or official of a port district or port
 293 authority as defined in s. 315.02(2).

294 (2)(a) Appointed members shall serve 4-year terms, except
 295 that initially, to provide for staggered terms, the Governor
 296 shall appoint two members to serve 2-year terms and two members
 297 to serve 3-year terms. All subsequent appointments shall be for
 298 4-year terms.

299 (b) Initial appointments must be made by October 1, 2023.
 300 Terms end on September 30.

301 (c) Any member is eligible for reappointment, except that
302 a member may not serve more than two 4-year terms.

303 (d) A vacancy on the board of directors shall be filled
304 for the remainder of the unexpired term in the same manner as
305 the original appointment.

306 (e) Appointed members may be removed by the appointing
307 official for cause. Absence from three consecutive meetings is
308 cause for removal.

309 (3) Board members shall serve without compensation, but
310 are entitled to receive reimbursement for per diem and travel
311 expenses pursuant to s. 112.061. Such expenses must be paid out
312 of funds of Space Florida.

313 (4) (a) The board of directors shall meet at least
314 quarterly, upon the call of the chairperson, or at the request
315 of a majority of the membership.

316 (b) A majority of the total number of current voting
317 members shall constitute a quorum. The board of directors may
318 take official action by a majority vote of the members present
319 at any meeting at which a quorum is present.

320 (c) Meetings may be held via teleconference or other
321 electronic means.

322 (5) The board shall conduct education for newly appointed
323 board members as provided by the Department of Economic
324 Opportunity in accordance with s. 189.063.

325 (6) Space Florida may not endorse any candidate for

326 elected public office or contribute moneys to the campaign of
 327 any such candidate ~~the members appointed to the board of~~
 328 ~~directors of Enterprise Florida, Inc., by the Governor, the~~
 329 ~~President of the Senate, and the Speaker of the House of~~
 330 ~~Representatives pursuant to s. 288.901(5)(a)8. and the Governor,~~
 331 ~~who shall serve ex officio, or who may appoint a designee to~~
 332 ~~serve, as the chair and a voting member of the board.~~

333 Section 7. Paragraph (e) of subsection (2) of section
 334 331.310, Florida Statutes, is amended to read:

335 331.310 Powers and duties of the board of directors.—

336 (2) The board of directors shall:

337 (e) Prepare an annual report of operations as a supplement
 338 to the annual report required under s. 331.3051(16) ~~s.~~
 339 ~~331.3051(11)~~. The report must include, but not be limited to, a
 340 balance sheet, an income statement, a statement of changes in
 341 financial position, a reconciliation of changes in equity
 342 accounts, a summary of significant accounting principles, the
 343 auditor's report, a summary of the status of existing and
 344 proposed bonding projects, comments from management about the
 345 year's business, and prospects for the next year.

346 Section 8. Subsections (5) and (6) of section 331.3101,
 347 Florida Statutes, are amended to read:

348 331.3101 Space Florida; travel and entertainment
 349 expenses.—

350 (5) In addition to the requirements set forth for the

351 annual report under subsection (3), the ~~2022~~ annual report by
 352 Space Florida must also:

353 (a) Provide an itemized accounting, by date of travel, of
 354 all travel, entertainment, and incidental expenses incurred;

355 (b) To the extent such expenses exceed the generally
 356 allowable expense limits under s. 112.061, provide reasons
 357 behind the need to exceed the statutory expense limits in s.
 358 112.061;

359 (c) Categorize expenses for Space Florida board members,
 360 staff, employees, and business clients. The report must also set
 361 forth any expenses authorized by the board or its designee for a
 362 guest; and

363 (d) Include information related to corrective actions and
 364 steps taken by Space Florida to address the findings in Auditor
 365 General Report No. 2022-049. This paragraph expires July 1,
 366 2024.

367
 368 ~~This subsection expires July 1, 2023.~~

369 (6) Notwithstanding the provisions of this section, travel
 370 and entertainment expenses incurred by Space Florida may only be
 371 for expenses that are solely and exclusively incurred in
 372 connection with the performance of its statutory duties and made
 373 in accordance with this subsection.

374 (a) ~~For the 2022-2023 fiscal year,~~ Space Florida may not
 375 expend any funds, whether appropriated by the Legislature or

376 from income earned by Space Florida, on travel and entertainment
 377 expenses for the fiscal year in excess of an amount equal to 4
 378 percent of the amount appropriated to Space Florida in the
 379 General Appropriations Act. No funds may be expended on any
 380 recreational activities for any Space Florida board member,
 381 staff, employee, business client, or guest.

382 (b) ~~For the 2022-2023 fiscal year,~~ Lodging expenses for a
 383 board member, staff, or employee of Space Florida may not exceed
 384 \$150 per day, excluding taxes, unless Space Florida is
 385 participating in a negotiated group rate discount or Space
 386 Florida provides documentation of at least three comparable
 387 alternatives demonstrating that such lodging at the required
 388 rate is not available. However, a board member, staff, or
 389 employee of Space Florida may expend his or her own funds for
 390 any lodging expenses in excess of \$150 per day.

391 ~~(c) This subsection expires July 1, 2023.~~

392 Section 9. Section 331.312, Florida Statutes, is amended
 393 to read:

394 331.312 Furnishing facilities and services within the
 395 spaceport territory.—Space Florida may own, acquire, construct,
 396 develop, create, maintain, equip, extend, improve, reconstruct,
 397 and operate its projects within the geographical limits of the
 398 spaceport territory, including any portions of the spaceport
 399 territory located inside the boundaries of any ~~incorporated~~
 400 ~~municipality or other~~ political subdivision, and offer, supply,

401 maintain, and furnish the facilities and services provided for
 402 in this act to, and establish and collect fees, rentals, and
 403 other charges from, persons, public or private, within the
 404 geographical limits of the spaceport territory and for the use
 405 of Space Florida itself.

406 Section 10. Section 331.313, Florida Statutes, is amended
 407 to read:

408 331.313 Power of Space Florida with respect to roads.—

409 (1) Within the territorial limits of any spaceport
 410 territory, Space Florida may acquire, through purchase or
 411 interagency agreement, or as otherwise provided in law, and
 412 construct, control, and maintain, roads deemed necessary by
 413 Space Florida and connections thereto and extensions thereof now
 414 or hereafter acquired, constructed, or maintained in accordance
 415 with established highway safety standards. However; ~~provided~~
 416 ~~that,~~ in the event a road being addressed by Space Florida is
 417 owned by another agency or jurisdiction, Space Florida, before
 418 proceeding with the proposed project or work activity, must
 419 consult with ~~shall have either coordinated the desired work with~~
 420 ~~the owning agency or jurisdiction~~ that owns the road ~~or shall~~
 421 ~~have successfully executed an interagency agreement with the~~
 422 ~~owning agency or jurisdiction.~~

423 (2) Space Florida shall advise the Department of
 424 Transportation of any determination Space Florida makes to
 425 construct or maintain a road or bridge within its territory;

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426 provide the department with complete copies of all documents,
427 agreements, resolutions, contracts, and instruments relating
428 thereto; and, if necessary, request the department to conduct
429 such construction or maintenance work, including the acquisition
430 of necessary rights-of-way, planning, surveying, and actual
431 construction of the project. Space Florida shall transfer to the
432 department any funds provided for such construction or
433 maintenance. The department is authorized to proceed with such
434 construction or maintenance and to use such funds for such work
435 in the same manner that the department is authorized to use the
436 funds otherwise provided by law for use in construction of roads
437 and bridges.

438 Section 11. Section 331.324, Florida Statutes, is amended
439 to read:

440 331.324 Contracts, grants, and contributions.—

441 (1) Space Florida may make and enter all contracts and
442 agreements necessary or incidental to the performance of the
443 functions of Space Florida and the execution of its powers, and
444 contract with, and accept and receive grants or loans of money,
445 material, or property from, any person, private or public, as
446 the board shall determine to be necessary or desirable to carry
447 out the purposes of this act, and, in connection with any such
448 contract, grant, or loan, stipulate and agree to such covenants,
449 terms, and conditions as the board shall deem appropriate.

450 (2) (a) After execution of a contract with a service

451 organization, Space Florida shall make and obtain independent
452 and periodic assessments of the effectiveness of the executed
453 contract document, the service organization, and any other
454 providers relevant to the contract, to ensure that adequate
455 internal controls are in place for complying with the terms and
456 conditions of the contract, for the validation and receipt of
457 goods and services, and to determine that the contracted service
458 is cost effective and meets Space Florida's requirements and
459 goals.

460 (b) A final assessment report shall be submitted to the
461 Space Florida board of directors and the Secretary of Economic
462 Opportunity or his or her designee. Within 30 days after receipt
463 of the final assessment report, the board shall submit to the
464 Department of Economic Opportunity a written statement of
465 explanation or rebuttal concerning findings requiring corrective
466 action, including corrective action to be taken to preclude a
467 recurrence.

468 (c) Beginning October 1, 2023, and every 3 years
469 thereafter, Space Florida shall complete a risk-based compliance
470 assessment of all internal contracts executed by Space Florida
471 for the preceding 3 fiscal years. The assessment must include
472 steps to reasonably ensure that contracted service
473 organizations' controls relevant to services provided are
474 suitably designed and operating effectively. The assessment
475 findings must be submitted to the board of directors, the

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476 Secretary of Economic Opportunity or his or her designee, the
477 Governor, the President of the Senate, and the Speaker of the
478 House of Representatives.

479 Section 12. In the event of a conflict of any provision of
480 this act with the provisions of any other act, the provisions of
481 this act shall control to the extent of such conflict.

482 Section 13. This act shall take effect July 1, 2023.