

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.; providing that
 43 | certain contracts are subject to review by the
 44 | Legislative Budget Commission; requiring Space Florida
 45 | to make and obtain certain assessments; requiring the
 46 | submission of a final assessment report to certain
 47 | persons; requiring the board of directors to submit a
 48 | certain statement to the Department of Economic
 49 | Opportunity; requiring Space Florida to complete a
 50 | certain assessment at certain intervals beginning on a

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51 certain date; amending s. 331.360, F.S.; requiring
52 Space Florida to solicit input from certain entities
53 to develop the spaceport master plan; providing that
54 the provisions of this act shall control to the extent
55 of certain conflicts; providing an effective date.
56

57 Be It Enacted by the Legislature of the State of Florida:
58

59 Section 1. Paragraph (b) of subsection (9) and paragraph
60 (b) of subsection (10) of section 20.60, Florida Statutes, are
61 amended to read:

62 20.60 Department of Economic Opportunity; creation; powers
63 and duties.—

64 (9) The secretary shall:

65 (b) Serve as the manager for the state with respect to
66 contracts with Space Florida, Enterprise Florida, Inc., and all
67 applicable direct-support organizations. To accomplish the
68 provisions of this section and applicable provisions of chapters
69 ~~chapter~~ 288 and 331, and notwithstanding the provisions of part
70 I of chapter 287, the secretary shall enter into specific
71 contracts with Space Florida, Enterprise Florida, Inc., and
72 other appropriate direct-support organizations. Such contracts
73 may be for multiyear terms and must include specific performance
74 measures for each year. For purposes of this section, the
75 Florida Tourism Industry Marketing Corporation and the Institute

76 | for Commercialization of Florida Technology are not appropriate
 77 | direct-support organizations.

78 | (10) The department, with assistance from Enterprise
 79 | Florida, Inc., shall, by November 1 of each year, submit an
 80 | annual report to the Governor, the President of the Senate, and
 81 | the Speaker of the House of Representatives on the condition of
 82 | the business climate and economic development in the state.

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

85 | 1. Information provided by the Department of Revenue under
 86 | s. 290.014.

87 | 2. Information provided by enterprise zone development
 88 | agencies under s. 290.0056 and an analysis of the activities and
 89 | accomplishments of each enterprise zone.

90 | 3. The Economic Gardening Business Loan Pilot Program
 91 | established under s. 288.1081 and the Economic Gardening
 92 | Technical Assistance Pilot Program established under s.
 93 | 288.1082.

94 | 4. A detailed report of the performance of the Black
 95 | Business Loan Program and a cumulative summary of quarterly
 96 | report data required under s. 288.714.

97 | 5. The Rural Economic Development Initiative established
 98 | under s. 288.0656.

99 | 6. The Florida Unique Abilities Partner Program.

100 | 7. A detailed report of the performance of the Florida

101 Development Finance Corporation and a summary of the
 102 corporation's report required under s. 288.9610.

103 8. Information provided by Space Florida under s. 331.3051
 104 and an analysis of the activities and accomplishments of Space
 105 Florida.

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

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

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

118 (e) By January 1, 2024, and every 3 years thereafter, an
 119 analysis of Space Florida established under part II of chapter
 120 331.

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

123 331.303 Definitions.—

124 (1) "Aerospace" means the technology and industry related
 125 to the design, manufacture, maintenance, repair, and operation

126 of aircraft or any other device intended to be used or designed
 127 for flight or reentry, including that designs and manufactures
 128 ~~aircraft,~~ rockets, missiles, spacecraft, satellites, space
 129 vehicles, space stations, space and aircraft facilities or
 130 components thereof, and related equipment, systems, facilities,
 131 simulators, programs, and ~~related~~ activities, including, but not
 132 limited to, the application of aerospace and aviation
 133 technologies in air-based, land-based, space-based, and sea-
 134 based platforms for commercial, civil, and defense purposes.

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

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

143 331.305 Powers of Space Florida.—Space Florida may:

144 (13) Own, acquire, construct, reconstruct, equip, operate,
 145 maintain, extend, or improve electric power plants, transmission
 146 lines and related facilities, gas mains and facilities of any
 147 nature for the production or distribution of natural gas,
 148 transmission lines and related facilities and plants and
 149 facilities for the generation and transmission of power through
 150 traditional and new and experimental sources of power and

151 energy; purchase electric power, natural gas, and other sources
 152 of power for distribution within any spaceport territory;
 153 develop and operate water and sewer systems and waste collection
 154 and disposal consistent with chapter 88-130, Laws of Florida;
 155 and develop and operate such new and experimental public
 156 utilities, including, but not limited to, centrally distributed
 157 heating and air-conditioning facilities and services, closed-
 158 circuit television systems, and computer services and
 159 facilities, as the board may from time to time determine.
 160 However, Space Florida may not construct any system, work,
 161 project, or utility authorized to be constructed under this
 162 subsection ~~paragraph~~ in the event that a system, work, project,
 163 or utility of a similar character is being actually operated by
 164 a municipality or private company in the municipality or
 165 territory adjacent thereto, unless such municipality or private
 166 company consents to such construction.

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

173 331.3051 Duties of Space Florida.—Space Florida shall:
 174 (2) Enter into agreement with the Department of Education,
 175 the Department of Transportation, the Department of Economic

176 Opportunity Enterprise Florida, Inc., and CareerSource Florida,
 177 Inc., for the purpose of implementing this act.

178 (3) In cooperation with the Department of Economic
 179 Opportunity Enterprise Florida, Inc., develop a plan to retain,
 180 expand, attract, and create aerospace industry entities, public
 181 or private, which results in the creation of high-value-added
 182 businesses and jobs in this state.

183 (6) Develop, in cooperation with the Department of
 184 Economic Opportunity Enterprise Florida, Inc., a plan to provide
 185 financing assistance to aerospace businesses. The plan may
 186 include the following activities:

187 (a) Assembling, publishing, and disseminating information
 188 concerning financing opportunities and techniques for aerospace
 189 projects, programs, and activities; sources of public and
 190 private aerospace financing assistance; and sources of
 191 aerospace-related financing.

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

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

201 foreign.

202 (d) Establishing a network of contacts among those
 203 domestic and foreign public and private organizations that
 204 provide information, technical assistance, and financial support
 205 to the aerospace industry.

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

208 (7) Carry out its responsibilities for spaceport
 209 operations by:

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

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

223 (12) Partner with the Board of Governors to foster
 224 technological advancement and economic development for spaceport
 225 activities by strengthening higher education programs and

226 supporting aerospace activities.

227 (13) Partner with the Division of Workforce Services of
228 the Department of Economic Opportunity, CareerSource Florida,
229 Inc., and local workforce development boards to support
230 initiatives that address the high technology skills and staff
231 resources needed to better promote the state's efforts in
232 becoming the nation's leader in aerospace and space exploration.

233 (14) Partner with the Metropolitan Planning Organization
234 Advisory Council to coordinate and specify how aerospace
235 planning and programming will be part of the state's cooperative
236 transportation planning process.

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

241 (a) Its operations and accomplishments during the fiscal
242 year.

243 (b) Accomplishments and progress concerning the
244 implementation of the spaceport master plan and other measurable
245 goals, and any updates to such plan and measurable goals.

246 (c) Any other information required by the Department of
247 Economic Opportunity.

248 (16) (a) ~~(11)~~ In addition to the reporting requirements in
249 chapter 189, annually report on its performance with respect to
250 its business plan, to include finance, spaceport operations,

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251 research and development, workforce development, and education.

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

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

262 Section 6. Section 331.3081, Florida Statutes, is amended
263 to read:

264 331.3081 Board of directors.—

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

270 (a) The Secretary of Transportation or his or her
271 designee.

272 (b) Five members appointed by the Governor who must each
273 have at least 5 years of experience in at least one of the
274 following areas:

275 1. The aerospace industry. Such member may not be

276 currently employed by an entity that is under contract with
 277 Space Florida.

278 2. An employee or official of a port district or port
 279 authority as defined in s. 315.02(2).

280 3. Bond financing.

281 4. Academic experience in aerospace, aviation, or a
 282 relevant science.

283 5. An aircraft facilities manager, a fixed-based operator,
 284 or a commercial airport operator.

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

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

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

294 1. The Jacksonville Aviation Authority.

295 2. The Titusville-Cocoa Airport Authority.

296 (2)(a) Appointed members shall serve 4-year terms, except
 297 that initially, to provide for staggered terms, the Governor
 298 shall appoint two members to serve 2-year terms and two members
 299 to serve 3-year terms. All subsequent appointments shall be for
 300 4-year terms.

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

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

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

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

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

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

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

322 (c) Meetings may be held via teleconference or other
323 electronic means.

324 (5) The board shall conduct education for newly appointed
325 board members as provided by the Department of Economic

326 Opportunity in accordance with s. 189.063.

327 (6) Space Florida may not endorse any candidate for
 328 elected public office or contribute moneys to the campaign of
 329 any such candidate ~~the members appointed to the board of~~
 330 ~~directors of Enterprise Florida, Inc., by the Governor, the~~
 331 ~~President of the Senate, and the Speaker of the House of~~
 332 ~~Representatives pursuant to s. 288.901(5)(a)8. and the Governor,~~
 333 ~~who shall serve ex officio, or who may appoint a designee to~~
 334 ~~serve, as the chair and a voting member of the board.~~

335 Section 7. Paragraph (e) of subsection (2) of section
 336 331.310, Florida Statutes, is amended to read:

337 331.310 Powers and duties of the board of directors.—

338 (2) The board of directors shall:

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

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

350 331.3101 Space Florida; travel and entertainment

351 expenses.—

352 (5) In addition to the requirements set forth for the
353 annual report under subsection (3), the ~~2022~~ annual report by
354 Space Florida must also:

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

357 (b) To the extent such expenses exceed the generally
358 allowable expense limits under s. 112.061, provide reasons
359 behind the need to exceed the statutory expense limits in s.
360 112.061;

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

365 (d) Include information related to corrective actions and
366 steps taken by Space Florida to address the findings in Auditor
367 General Report No. 2022-049. This paragraph expires July 1,
368 2024.

369
370 ~~This subsection expires July 1, 2023.~~

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

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376 (a) ~~For the 2022-2023 fiscal year,~~ Space Florida may not
377 expend any funds, whether appropriated by the Legislature or
378 from income earned by Space Florida, on travel and entertainment
379 expenses for the fiscal year in excess of an amount equal to 4
380 percent of the amount appropriated to Space Florida in the
381 General Appropriations Act. No funds may be expended on any
382 recreational activities for any Space Florida board member,
383 staff, employee, business client, or guest.

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

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

394 Section 9. Section 331.312, Florida Statutes, is amended
395 to read:

396 331.312 Furnishing facilities and services within the
397 spaceport territory.—Space Florida may own, acquire, construct,
398 develop, create, maintain, equip, extend, improve, reconstruct,
399 and operate its projects within the geographical limits of the
400 spaceport territory, including any portions of the spaceport

401 territory located inside the boundaries of any ~~incorporated~~
 402 ~~municipality or other~~ political subdivision, and offer, supply,
 403 maintain, and furnish the facilities and services provided for
 404 in this act to, and establish and collect fees, rentals, and
 405 other charges from, persons, public or private, within the
 406 geographical limits of the spaceport territory and for the use
 407 of Space Florida itself.

408 Section 10. Section 331.313, Florida Statutes, is amended
 409 to read:

410 331.313 Power of Space Florida with respect to roads.—

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

425 (2) Space Florida shall advise the Department of

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

440 Section 11. Section 331.324, Florida Statutes, is amended
 441 to read:

442 331.324 Contracts, grants, and contributions.—

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

451 terms, and conditions as the board shall deem appropriate.

452 (2) A proposed contract with a total cost of \$10 million
 453 or more is subject to the notice and review procedures of s.
 454 216.177. If the chair and vice chair of the Legislative Budget
 455 Commission or the President of the Senate and the Speaker of the
 456 House of Representatives timely advises Space Florida in writing
 457 that such proposed contract is contrary to legislative policy
 458 and intent, Space Florida may not execute the contract. Space
 459 Florida may not enter into multiple related contracts to avoid
 460 the requirements of this subsection.

461 (3) (a) After execution of a contract with a service
 462 organization, Space Florida shall make and obtain independent
 463 and periodic assessments of the effectiveness of the executed
 464 contract document, the service organization, and any other
 465 providers relevant to the contract, to ensure that adequate
 466 internal controls are in place for complying with the terms and
 467 conditions of the contract, for the validation and receipt of
 468 goods and services, and to determine that the contracted service
 469 is cost effective and meets Space Florida's requirements and
 470 goals.

471 (b) A final assessment report shall be submitted to the
 472 Space Florida board of directors and the Secretary of Economic
 473 Opportunity or his or her designee. Within 30 days after receipt
 474 of the final assessment report, the board shall submit to the
 475 Department of Economic Opportunity a written statement of

476 explanation or rebuttal concerning findings requiring corrective
 477 action, including corrective action to be taken to preclude a
 478 recurrence.

479 (c) Beginning October 1, 2023, and every 3 years
 480 thereafter, Space Florida shall complete a risk-based compliance
 481 assessment of all internal contracts executed by Space Florida
 482 for the preceding 3 fiscal years. The assessment must include
 483 steps to reasonably ensure that contracted service
 484 organizations' controls relevant to services provided are
 485 suitably designed and operating effectively. The assessment
 486 findings must be submitted to the board of directors, the
 487 Secretary of Economic Opportunity or his or her designee, the
 488 Governor, the President of the Senate, and the Speaker of the
 489 House of Representatives.

490 Section 12. Subsection (4) of section 331.360, Florida
 491 Statutes, is renumbered as subsection (5), subsection (3) is
 492 amended, and a new subsection (4) is added to that section, to
 493 read:

494 331.360 Joint participation agreement or assistance;
 495 spaceport master plan.—

496 (3) Space Florida shall develop a spaceport master plan
 497 for expansion and modernization of space transportation
 498 facilities within spaceport territories as defined in s.
 499 331.303. The plan shall contain recommended projects to meet
 500 current and future commercial, national, and state space

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501 transportation requirements. Space Florida shall submit the plan
502 to any appropriate metropolitan planning organization for review
503 of intermodal impacts. Space Florida shall submit the spaceport
504 master plan to the Department of Transportation, and such plan
505 may be included within the department's 5-year work program of
506 qualifying aerospace discretionary capacity improvement under
507 subsection (5) ~~(4)~~. The plan shall identify appropriate funding
508 levels and include recommendations on appropriate sources of
509 revenue that may be developed to contribute to the State
510 Transportation Trust Fund.

511 (4) Space Florida shall solicit input from the National
512 Aeronautics and Space Administration, the United States
513 Department of Defense, and other political subdivisions that own
514 facilities within spaceport territory as Space Florida develops
515 the spaceport master plan.

516 Section 13. In the event of a conflict of any provision of
517 this act with the provisions of any other act, the provisions of
518 this act shall control to the extent of such conflict.

519 Section 14. This act shall take effect July 1, 2023.