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 and Government Accountability to provide to the 10 11 Governor and the Legislature an analysis of Space Florida by a date certain and thereafter at certain 12 13 intervals; amending s. 331.303, F.S.; revising definitions; amending s. 331.305, F.S.; making a 14 technical change; amending s. 331.3051, F.S.; revising 15 16 the duties of Space Florida; amending s. 331.3081, F.S.; revising membership of the board of directors of 17 18 Space Florida; providing for staggered terms, appointments, filling of vacancies, removal of 19 members, and meetings of the board; providing that 20 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 endorsing a candidate or contributing moneys to a 25

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campaign; amending s. 331.310, F.S.; conforming a cross-reference; amending s. 331.3101, F.S.; requiring the annual report of Space Florida to include certain information; prohibiting Space Florida from expending funds on certain expenses; providing that certain expenses may not exceed a certain amount; revising the scheduled expiration of provisions requiring certain information in an annual report; abrogating the scheduled expiration of provisions relating to the expenditure of certain funds; amending s. 331.312, F.S.; providing Space Florida with certain authority; amending s. 331.313, F.S.; requiring Space Florida to consult with certain agencies and jurisdictions; requiring Space Florida to advise the Department of Transportation of certain determinations and take certain actions relating to certain construction projects; amending s. 331.324, F.S.; providing that certain contracts are subject to review by the Legislative Budget Commission; requiring Space Florida to make and obtain certain assessments; requiring the submission of a final assessment report to certain persons; requiring the board of directors to submit a certain statement to the Department of Economic Opportunity; requiring Space Florida to complete a certain assessment at certain intervals beginning on a

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

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

- Section 1. Paragraph (b) of subsection (9) and paragraph (b) of subsection (10) of section 20.60, Florida Statutes, are amended to read:
- 20.60 Department of Economic Opportunity; creation; powers and duties.—
 - (9) The secretary shall:
- (b) Serve as the manager for the state with respect to contracts with <u>Space Florida</u>, Enterprise Florida, Inc., and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of <u>chapters</u> chapter 288 and 331, and notwithstanding the provisions of part I of chapter 287, the secretary shall enter into specific contracts with <u>Space Florida</u>, Enterprise Florida, Inc., and other appropriate direct-support organizations. Such contracts may be for multiyear terms and must include specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation and the Institute

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

- (10) The department, with assistance from Enterprise Florida, Inc., shall, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state.
- (b) The report must incorporate annual reports of other programs, including:
- 1. Information provided by the Department of Revenue under s. 290.014.
- 2. Information provided by enterprise zone development agencies under s. 290.0056 and an analysis of the activities and accomplishments of each enterprise zone.
- 3. The Economic Gardening Business Loan Pilot Program established under s. 288.1081 and the Economic Gardening Technical Assistance Pilot Program established under s. 288.1082.
- 4. A detailed report of the performance of the Black Business Loan Program and a cumulative summary of quarterly report data required under s. 288.714.
- 5. The Rural Economic Development Initiative established under s. 288.0656.
 - 6. The Florida Unique Abilities Partner Program.
 - 7. A detailed report of the performance of the Florida

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

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- 8. Information provided by Space Florida under s. 331.3051 and an analysis of the activities and accomplishments of Space Florida.
- Section 2. Paragraph (e) is added to subsection (2) of section 288.0001, Florida Statutes, to read:
- 288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.
- (2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:
- (e) By January 1, 2024, and every 3 years thereafter, an analysis of Space Florida established under part II of chapter 331.
- Section 3. Subsections (1) and (9) of section 331.303, 122 Florida Statutes, are amended to read:
 - 331.303 Definitions.-
 - (1) "Aerospace" means the <u>technology and</u> industry <u>related</u> to the design, manufacture, maintenance, repair, and operation

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

- (9) "Landing area" means the geographical area designated by Space Florida or another appropriate body within the spaceport territory for or intended for the landing, controlling, assisting, flying, navigating, piloting, maintenance, construction, and surface maneuvering of any launch or other space vehicle or aerospace technology or craft.
- Section 4. Subsection (13) of section 331.305, Florida Statutes, is amended to read:
 - 331.305 Powers of Space Florida.—Space Florida may:
- (13) Own, acquire, construct, reconstruct, equip, operate, maintain, extend, or improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, transmission lines and related facilities and plants and facilities for the generation and transmission of power through traditional and new and experimental sources of power and

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

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

331.3051 Duties of Space Florida.—Space Florida shall:

(2) Enter into agreement with the Department of Education, the Department of Transportation, the Department of Economic

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

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

 Economic Opportunity Enterprise Florida, Inc., a plan to provide financing assistance to aerospace businesses. The plan may include the following activities:
- (a) Assembling, publishing, and disseminating information concerning financing opportunities and techniques for aerospace projects, programs, and activities; sources of public and private aerospace financing assistance; and sources of aerospace-related financing.
- (b) Organizing, hosting, and participating in seminars and other forums designed to disseminate information and technical assistance regarding aerospace-related financing.
- (c) Coordinating with programs and goals of the Department of Defense, the National Aeronautics and Space Administration, the Export-Import Bank of the United States, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, and other private and public programs and organizations, domestic and

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201 foreign.

- (d) Establishing a network of contacts among those domestic and foreign public and private organizations that provide information, technical assistance, and financial support to the aerospace industry.
- (e) Financing aerospace business development projects or initiatives using funds provided by the Legislature.
- (7) Carry out its responsibilities for spaceport operations by:
- (e) Consulting regularly, as necessary, with the appropriate federal, state, and local authorities, including the National Aeronautics and Space Administration, the Federal Aviation Administration, the Department of Defense, the Department of Transportation, the Florida National Guard, and industry on all aspects of establishing and operating spaceport infrastructure and related aerospace facilities within the state.
- (11) Regularly solicit input on Space Florida plans and activities from the aerospace industry, private sector spaceport territory stakeholders, each entity that owns or has ownership interest in a facility within spaceport territory, and other political subdivisions within spaceport territory.
- (12) Partner with the Board of Governors to foster
 technological advancement and economic development for spaceport
 activities by strengthening higher education programs and

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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

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chapter 189, annually report on its performance with respect to

its business plan, to include finance, spaceport operations,

(16) (a) (11) In addition to the reporting requirements in

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Economic Opportunity.

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research and development, workforce development, and education.

- (b) Space Florida shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30 for the previous fiscal year.
- (c) The annual report must include operations information as required under s. 331.310(2)(e) and data on the economic impact of the aerospace industry in the state during the previous year, including, but not limited to, the amount and sources of capital investment, the number of jobs created and retained, and annualized average wages, listed by geographic areas within the state as specified by the board.

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

331.3081 Board of directors.-

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- (1) Space Florida shall be governed by an a 13-member independent board of directors that consists of the Governor, who shall serve ex officio, or who may appoint a designee to serve, as the chair and a voting member of the board, and the following appointed members:
- (a) The Secretary of Transportation or his or her designee.
- (b) Five members appointed by the Governor who must each have at least 5 years of experience in at least one of the following areas:
 - 1. The aerospace industry. Such member may not be

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276	current	:ly	employed	by	an	entity	that	is	under	contract	with
277	Space F	lor	ida.								

- 2. An employee or official of a port district or port authority as defined in s. 315.02(2).
 - 3. Bond financing.

- 4. Academic experience in aerospace, aviation, or a relevant science.
- 5. An aircraft facilities manager, a fixed-based operator, or a commercial airport operator.
- (c) One member appointed by the President of the Senate, who has at least 5 years of experience as provided in paragraph (b).
- (d) One member appointed by the Speaker of the House of Representatives, who has at least 5 years of experience as provided in paragraph (b).
- (e) A representative of each of the following entities, who shall serve as an ex officio, nonvoting member of the board, appointed by the Governor:
 - 1. The Jacksonville Aviation Authority.
 - 2. The Titusville-Cocoa Airport Authority.
- (2) (a) Appointed members shall serve 4-year terms, except that initially, to provide for staggered terms, the Governor shall appoint two members to serve 2-year terms and two members to serve 3-year terms. All subsequent appointments shall be for 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.

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board members as provided by the Department of Economic

The board shall conduct education for newly appointed

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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.

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

- 331.310 Powers and duties of the board of directors.-
- (2) The board of directors shall:

Opportunity in accordance with s. 189.063.

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(e) Prepare an annual report of operations as a supplement to the annual report required under <u>s. 331.3051(16)</u> s.

331.3051(11). The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year.

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

331.3101 Space Florida; travel and entertainment

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351 expenses.—

- (5) In addition to the requirements set forth for the annual report under subsection (3), the $\frac{2022}{2000}$ annual report by Space Florida must also:
- (a) Provide an itemized accounting, by date of travel, of all travel, entertainment, and incidental expenses incurred;
- (b) To the extent such expenses exceed the generally allowable expense limits under s. 112.061, provide reasons behind the need to exceed the statutory expense limits in s. 112.061;
- (c) Categorize expenses for Space Florida board members, staff, employees, and business clients. The report must also set forth any expenses authorized by the board or its designee for a quest; and
- (d) Include information related to corrective actions and steps taken by Space Florida to address the findings in Auditor General Report No. 2022-049. This paragraph expires July 1, 2024.

This subsection expires July 1, 2023.

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

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

- (b) For the 2022-2023 fiscal year, Lodging expenses for a board member, staff, or employee of Space Florida may not exceed \$150 per day, excluding taxes, unless Space Florida is participating in a negotiated group rate discount or Space Florida provides documentation of at least three comparable alternatives demonstrating that such lodging at the required rate is not available. However, a board member, staff, or employee of Space Florida may expend his or her own funds for any lodging expenses in excess of \$150 per day.
 - (c) This subsection expires July 1, 2023.
- Section 9. Section 331.312, Florida Statutes, is amended to read:
- 331.312 Furnishing facilities and services within the spaceport territory.—Space Florida may own, acquire, construct, develop, create, maintain, equip, extend, improve, reconstruct, and operate its projects within the geographical limits of the spaceport territory, including any portions of the spaceport

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

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

331.313 Power of Space Florida with respect to roads.-

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

(2) Space Florida shall advise the Department of

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

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

331.324 Contracts, grants, and contributions.

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

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terms, and conditions as the board shall deem appropriate.

- or more is subject to the notice and review procedures of s.

 216.177. If the chair and vice chair of the Legislative Budget

 Commission or the President of the Senate and the Speaker of the

 House of Representatives timely advises Space Florida in writing

 that such proposed contract is contrary to legislative policy

 and intent, Space Florida may not execute the contract. Space

 Florida may not enter into multiple related contracts to avoid

 the requirements of this subsection.
- (3) (a) After execution of a contract with a service organization, Space Florida shall make and obtain independent and periodic assessments of the effectiveness of the executed contract document, the service organization, and any other providers relevant to the contract, to ensure that adequate internal controls are in place for complying with the terms and conditions of the contract, for the validation and receipt of goods and services, and to determine that the contracted service is cost effective and meets Space Florida's requirements and goals.
- (b) A final assessment report shall be submitted to the Space Florida board of directors and the Secretary of Economic Opportunity or his or her designee. Within 30 days after receipt of the final assessment report, the board shall submit to the Department of Economic Opportunity a written statement of

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

thereafter, Space Florida shall complete a risk-based compliance assessment of all internal contracts executed by Space Florida for the preceding 3 fiscal years. The assessment must include steps to reasonably ensure that contracted service organizations' controls relevant to services provided are suitably designed and operating effectively. The assessment findings must be submitted to the board of directors, the Secretary of Economic Opportunity or his or her designee, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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

- 331.360 Joint participation agreement or assistance; spaceport master plan.—
- (3) Space Florida shall develop a spaceport master plan for expansion and modernization of space transportation facilities within spaceport territories as defined in s. 331.303. The plan shall contain recommended projects to meet current and future commercial, national, and state space

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

(4) Space Florida shall solicit input from the National

Aeronautics and Space Administration, the United States

Department of Defense, and other political subdivisions that own facilities within spaceport territory as Space Florida develops the spaceport master plan.

Section 13. <u>In the event of a conflict of any provision of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.</u>

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