

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Sirois offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (b) of subsection (9) and paragraph
 6 (b) of subsection (10) of section 20.60, Florida Statutes, are
 7 amended to read:

8 20.60 Department of Economic Opportunity; creation; powers
 9 and duties.-

10 (9) The secretary shall:

11 (b) Serve as the manager for the state with respect to
 12 contracts with Space Florida, Enterprise Florida, Inc., and all
 13 applicable direct-support organizations. To accomplish the
 14 provisions of this section and applicable provisions of chapters
 15 ~~chapter~~ 288 and 331, and notwithstanding ~~the provisions of part~~
 16 I of chapter 287, the secretary shall enter into specific

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17 contracts with Space Florida, Enterprise Florida, Inc., and all
18 applicable ~~other appropriate~~ direct-support organizations. Such
19 contracts may be for multiyear terms and must include specific
20 performance measures for each year. For purposes of this
21 section, the Florida Tourism Industry Marketing Corporation and
22 the Institute for Commercialization of Florida Technology are
23 not appropriate direct-support organizations.

24 (10) The department, with assistance from Enterprise
25 Florida, Inc., shall, by November 1 of each year, submit an
26 annual report to the Governor, the President of the Senate, and
27 the Speaker of the House of Representatives on the condition of
28 the business climate and economic development in the state.

29 (b) The report must incorporate annual reports of other
30 programs, including:

31 1. Information provided by the Department of Revenue under
32 s. 290.014.

33 2. Information provided by enterprise zone development
34 agencies under s. 290.0056 and an analysis of the activities and
35 accomplishments of each enterprise zone.

36 3. The Economic Gardening Business Loan Pilot Program
37 established under s. 288.1081 and the Economic Gardening
38 Technical Assistance Pilot Program established under s.
39 288.1082.

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40 4. A detailed report of the performance of the Black
41 Business Loan Program and a cumulative summary of quarterly
42 report data required under s. 288.714.

43 5. The Rural Economic Development Initiative established
44 under s. 288.0656.

45 6. The Florida Unique Abilities Partner Program.

46 7. A detailed report of the performance of the Florida
47 Development Finance Corporation and a summary of the
48 corporation's report required under s. 288.9610.

49 8. Information provided by Space Florida under s. 331.3051
50 and an analysis of the activities and accomplishments of Space
51 Florida.

52 Section 2. Paragraph (a) of subsection (2) of section
53 288.0001, Florida Statutes, is amended to read:

54 288.0001 Economic Development Programs Evaluation.—The
55 Office of Economic and Demographic Research and the Office of
56 Program Policy Analysis and Government Accountability (OPPAGA)
57 shall develop and present to the Governor, the President of the
58 Senate, the Speaker of the House of Representatives, and the
59 chairs of the legislative appropriations committees the Economic
60 Development Programs Evaluation.

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

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64 (a) By January 1, 2014, and every 3 years thereafter, an
65 analysis of the following:

66 1. The capital investment tax credit established under s.
67 220.191.

68 2. The qualified target industry tax refund established
69 under s. 288.106.

70 3. The brownfield redevelopment bonus refund established
71 under s. 288.107.

72 4. High-impact business performance grants established
73 under s. 288.108.

74 5. The Quick Action Closing Fund established under s.
75 288.1088.

76 6. The Innovation Incentive Program established under s.
77 288.1089.

78 7. Enterprise Zone Program incentives established under
79 ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

80 8. The New Markets Development Program established under
81 ss. 288.991-288.9922.

82 9. Space Florida established under s. 331.302.

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

85 331.303 Definitions.—

86 (1) "Aerospace" means the technology and industry related
87 to the design, manufacture, maintenance, repair, and operation
88 of aircraft or any other device intended to be used or designed

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89 for flight or reentry, including that designs and manufactures
90 aircraft, rockets, missiles, spacecraft, satellites, space
91 vehicles, space stations, space and aircraft facilities or
92 components thereof, and related equipment, systems, facilities,
93 simulators, programs, and ~~related~~ activities, including, but not
94 limited to, the application of aerospace and aviation
95 technologies in air-based, land-based, space-based, and sea-
96 based platforms for commercial, civil, and defense purposes.

97 (9) "Landing area" means the geographical area designated
98 by Space Florida, or another appropriate entity, within the
99 spaceport territory, or another appropriate area, used for or
100 intended to be used for the landing, controlling, assisting,
101 flying, navigating, piloting, maintenance, construction, and
102 surface maneuvering of any launch or other space vehicle or
103 aerospace technology or craft.

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

106 331.305 Powers of Space Florida.—Space Florida may:

107 (13) Own, acquire, construct, reconstruct, equip, operate,
108 maintain, extend, or improve electric power plants, transmission
109 lines and related facilities, gas mains and facilities of any
110 nature for the production or distribution of natural gas,
111 transmission lines and related facilities and plants and
112 facilities for the generation and transmission of power through
113 traditional and new and experimental sources of power and

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

130 Section 5. Subsection (11) of section 331.3051, Florida
131 Statutes, is renumbered as subsection (14), subsections (2),
132 (3), and (6), paragraph (e) of subsection (7), and present
133 subsection (11) of that section are amended, and a new
134 subsection (11) and subsections (12) and (13) are added to that
135 section, to read:

136 331.3051 Duties of Space Florida.—Space Florida shall:
137 (2) Enter into agreement with the Department of Education,
138 the Department of Transportation, the Department of Economic

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

141 (3) In cooperation with the Department of Economic
142 Opportunity Enterprise Florida, Inc., develop a plan to retain,
143 expand, attract, and create aerospace industry entities, public
144 or private, which results in the creation of high-value-added
145 businesses and jobs in this state. By August 15 of each fiscal
146 year, the Department of Economic Opportunity shall submit a
147 proposed operating budget for Space Florida which includes
148 amounts to be expended on incentives, advertising, events, other
149 operating capital outlay, and salaries and benefits for each
150 employee to the Governor, the President of the Senate, and the
151 Speaker of the House of Representatives.

152 (6) Develop, in cooperation with the Department of
153 Economic Opportunity Enterprise Florida, Inc., a plan to provide
154 financing assistance to aerospace businesses. The plan may
155 include the following activities:

156 (a) Assembling, publishing, and disseminating information
157 concerning financing opportunities and techniques for aerospace
158 projects, programs, and activities; sources of public and
159 private aerospace financing assistance; and sources of
160 aerospace-related financing.

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

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164 (c) Coordinating with programs and goals of the Department
165 of Defense, the National Aeronautics and Space Administration,
166 the Export-Import Bank of the United States, the International
167 Trade Administration of the United States Department of
168 Commerce, the Foreign Credit Insurance Association, and other
169 private and public programs and organizations, domestic and
170 foreign.

171 (d) Establishing a network of contacts among those
172 domestic and foreign public and private organizations that
173 provide information, technical assistance, and financial support
174 to the aerospace industry.

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

177 (7) Carry out its responsibilities for spaceport
178 operations by:

179 (e) Consulting regularly, ~~as necessary~~, with the
180 appropriate federal, state, and local authorities, including the
181 National Aeronautics and Space Administration, the Federal
182 Aviation Administration, the Department of Defense, the
183 Department of Transportation, the Florida National Guard, and
184 industry on all aspects of establishing and operating spaceport
185 infrastructure and related aerospace facilities within the
186 state.

187 (11) Partner with the Board of Governors to foster
188 technological advancement and economic development for spaceport

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189 activities by strengthening higher education programs and
190 supporting aerospace activities.

191 (12) Partner with the Division of Workforce Services of
192 the Department of Economic Opportunity, CareerSource Florida,
193 Inc., and local workforce development boards to support
194 initiatives that address the high technology skills and staff
195 resources needed to better promote the state's efforts in
196 becoming the nation's leader in aerospace and space exploration.

197 (13) Partner with the Metropolitan Planning Organization
198 Advisory Council to coordinate and specify how aerospace
199 planning and programming will be part of the state's cooperative
200 transportation planning process.

201 (14) (a) ~~(11)~~ In addition to the reporting requirements in
202 chapter 189, annually by October 1 report on its performance
203 during the previous fiscal year with respect to its business
204 plan, to include finance, spaceport operations, research and
205 development, workforce development, and education. Space Florida
206 shall submit the report to the Department of Economic
207 Opportunity for inclusion in the annual report required under s.
208 20.60 Governor, the President of the Senate, and the Speaker of
209 the House of Representatives by November 30 for the previous
210 fiscal year.

211 (b) The annual report must include:

212 1. Operations information as required under s.
213 331.310 (2) (e).

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214 2. Activities, accomplishments, and progress concerning
215 the implementation of the spaceport master plan and other
216 measurable goals, and any updates to such plan and measurable
217 goals.

218 3. Data on the economic impact of the aerospace industry
219 in this state during the previous year, including, but not
220 limited to, the amount and sources of capital investment, the
221 number of jobs created and retained, and annualized average
222 wages, listed by geographic areas within this state as specified
223 by the board.

224 4. Any other information required by the Department of
225 Economic Opportunity.

226 (c) Space Florida shall provide a copy of the special
227 district public facilities report required under s. 189.08 to
228 Space Florida's property owners, project owners, and users.

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

231 331.3081 Board of directors; officers and employees of
232 Space Florida.—

233 (1) Space Florida shall be governed by an a 13-member
234 independent board of directors composed of that consists of the
235 members appointed to the board of directors of Enterprise
236 Florida, Inc., by the Governor, the President of the Senate, and
237 the Speaker of the House of Representatives pursuant to s.
238 288.901(5)(a)8. and the Governor, who shall serve ex officio, or

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239 | who may appoint a designee to serve, as the chair and a voting
240 | member of the board, and the following appointed members:

241 | (a) The Secretary of Transportation or his or her
242 | designee.

243 | (b) Five members appointed by the Governor.

244 | (c) One member appointed by the President of the Senate.

245 | (d) One member appointed by the Speaker of the House of
246 | Representatives.

247 | (e) Three representatives appointed by the Governor, who
248 | shall serve ex officio as nonvoting members of the board, one
249 | each from the following entities:

250 | 1. An airport authority with the capability for horizontal
251 | launches, such as the Jacksonville Aviation Authority or
252 | Titusville-Cocoa Airport Authority.

253 | 2. Operations or management of a port district or port
254 | authority, as defined in s. 315.02(2).

255 | 3. Operations or management of a spaceport territory, as
256 | identified in s. 331.304.

257 | (2)(a) The appointing officials may only consider for
258 | appointment to the board individuals who have at least 5 years
259 | of experience in at least one of the following areas:

260 | 1. Bond financing;

261 | 2. Study of aerospace, aviation, or a relevant science
262 | within academia;

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263 3. Management or operation of aircraft facilities, fixed-
264 base operations, or commercial airport operations;

265 4. Management or finance of a technology or manufacturing
266 startup business or international business; or

267 5. Experience advocating for the state's interests in the
268 aerospace industry or representing the intent, duties, goals and
269 purpose of Space Florida.

270 (b) Each appointee must be a resident of this state or
271 have a business enterprise in this state.

272 (3) Appointed members shall serve 4-year terms, except
273 that initially, to provide for staggered terms, the Governor
274 shall appoint two members to serve 2-year terms and two members
275 to serve 3-year terms. All subsequent appointments shall be for
276 4-year terms.

277 (4) Initial appointments must be made by October 1, 2023.
278 Terms end on September 30 of the last year of the member's term.

279 (5) Any member is eligible for reappointment, except that
280 a member may not serve more than two 4-year terms.

281 (6) A vacancy on the board of directors must be filled for
282 the remainder of the unexpired term in the same manner as the
283 original appointment.

284 (7) Appointed members may be removed by the appointing
285 official for cause. Absence from three consecutive meetings is
286 cause for removal.

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287 (8) Board members shall serve without compensation, but
288 are entitled to receive reimbursement for per diem and travel
289 expenses pursuant to s. 112.061. Such expenses must be paid out
290 of Space Florida funds.

291 (9) (a) The board of directors shall meet at least
292 quarterly, upon the call of the chairperson, or at the request
293 of a majority of the membership.

294 (b) A majority of the total number of current voting
295 members constitutes a quorum. The board of directors may take
296 official action by a majority vote of the members present at any
297 meeting at which a quorum is present.

298 (c) Meetings may be held via teleconference or other
299 electronic means.

300 (10) In addition to the requirements in chapter 189, open
301 meeting and public records requirements of chapter 119 and s.
302 286.011 apply to Space Florida and its board of directors.

303 (11) The board shall conduct education programs for newly
304 appointed board members as provided by the Department of
305 Economic Opportunity in accordance with s. 189.063.

306 (12) Space Florida may not endorse any candidate for
307 elected public office or contribute moneys to the campaign of
308 any such candidate.

309 Section 7. Members appointed to the board of directors of
310 Space Florida before July 1, 2023, may continue to serve on the
311 board until October 1, 2023. All new appointments to the board

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312 of directors as required in s. 331.3081, Florida Statutes, as
313 amended by this act, shall take effect on October 1, 2023.

314 Section 8. Paragraphs (e) and (f) of subsection (2) of
315 section 331.310, Florida Statutes, are amended to read:

316 331.310 Powers and duties of the board of directors.—

317 (2) The board of directors shall:

318 (e) Prepare an annual report of operations as a supplement
319 to the annual report required under s. 331.3051(14) ~~s.~~

320 ~~331.3051(11)~~. The report must include, but not be limited to, a
321 balance sheet, an income statement, a statement of changes in
322 financial position, a reconciliation of changes in equity
323 accounts, a summary of significant accounting principles, the
324 auditor's report, a summary of the status of existing and
325 proposed bonding projects, comments from management about the
326 year's business, and prospects for the next year.

327 (f) Establish a personnel management system and
328 appropriate security controls, including access privileges and
329 other measures to protect the confidentiality, integrity, and
330 availability of data and resources.

331 Section 9. Subsections (5) and (6) of section 331.3101,
332 Florida Statutes, are amended to read:

333 331.3101 Space Florida; travel and entertainment
334 expenses.—

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335 (5) In addition to the requirements set forth for the
336 annual report under subsection (3), the 2022 annual report by
337 Space Florida must also:

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

340 (b) To the extent such expenses exceed the generally
341 allowable expense limits under s. 112.061, provide reasons
342 behind the need to exceed the statutory expense limits in s.
343 112.061;

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

348 (d) Include information related to corrective actions and
349 steps taken by Space Florida to address the findings in Auditor
350 General Report No. 2022-049. This paragraph expires July 1, 2024
351 ~~This subsection expires July 1, 2023.~~

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

357 (a) ~~For the 2022-2023 fiscal year,~~ Space Florida may not
358 expend any funds, whether appropriated by the Legislature or
359 from income earned by Space Florida, on travel and entertainment

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360 expenses for the fiscal year in excess of an amount equal to 4
361 percent of the amount appropriated to Space Florida in the
362 General Appropriations Act. No funds may be expended on any
363 recreational activities for any Space Florida board member,
364 staff, employee, business client, or guest.

365 (b) ~~For the 2022-2023 fiscal year,~~ Lodging expenses for a
366 board member, staff, or employee of Space Florida may not exceed
367 \$150 per day, excluding taxes, unless Space Florida is
368 participating in a negotiated group rate discount or Space
369 Florida provides documentation of at least three comparable
370 alternatives demonstrating that such lodging at the required
371 rate is not available. However, a board member, staff, or
372 employee of Space Florida may expend his or her own funds for
373 any lodging expenses in excess of \$150 per day.

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

375 Section 10. Section 331.312, Florida Statutes, is amended
376 to read:

377 331.312 Furnishing facilities and services within the
378 spaceport territory.—Space Florida may own, acquire, construct,
379 develop, create, maintain, equip, extend, improve, reconstruct,
380 and operate its projects within the geographical limits of the
381 spaceport territory, including any portions of the spaceport
382 territory located inside the boundaries of any ~~incorporated~~
383 ~~municipality or other~~ political subdivision, and offer, supply,
384 maintain, and furnish the facilities and services provided for

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385 in this act to, and establish and collect fees, rentals, and
386 other charges from, persons, public or private, within the
387 geographical limits of the spaceport territory and for the use
388 of Space Florida itself.

389 Section 11. Section 331.313, Florida Statutes, is amended
390 to read:

391 331.313 Power of Space Florida with respect to roads.—

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

406 (2) Space Florida shall advise the Department of
407 Transportation of any determination Space Florida makes to
408 construct or maintain a road or bridge within its territory;
409 provide the department with complete copies of all documents,

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410 agreements, resolutions, contracts, and instruments relating to
411 such construction or maintenance; and, if necessary, request the
412 department to perform such construction or maintenance work,
413 including the acquisition of necessary rights-of-way, planning,
414 surveying, and actual construction of the project. Space Florida
415 shall transfer to the Department of Transportation any funds
416 provided for such construction or maintenance. The Department of
417 Transportation is authorized to proceed with such construction
418 or maintenance and to use funds for such work in the same manner
419 that the department is authorized to use the funds otherwise
420 provided by law for construction of roads and bridges.

421 Section 12. Section 331.324, Florida Statutes, is amended
422 to read:

423 331.324 Contracts, grants, and contributions.—

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

433 (2)(a) A contract with a service organization for services
434 which exceeds \$250,000 and is for a period of 12 months or

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435 longer must include provisions requiring an auditor report to
436 provide periodic assessments of the effectiveness of the
437 executed contract document, the service organization, and any
438 other providers relevant to the contract, to ensure that the
439 service organization maintains adequate internal controls to
440 comply with the terms and conditions of the contract, to
441 validate and receive goods and services, and to determine
442 whether the contracted service is cost-effective and meets Space
443 Florida's requirements and goals.

444 (b) Space Florida shall submit the auditor's final report
445 to the Space Florida board of directors and the Secretary of
446 Economic Opportunity or his or her designee. Within 30 days
447 after receipt of the final report, the board shall submit to the
448 Department of Economic Opportunity a written statement of
449 explanation or rebuttal concerning findings requiring corrective
450 action, including corrective action to be taken to preclude a
451 recurrence of such findings.

452 Section 13. In the event of a conflict of any provision of
453 this act with the provisions of any other act, this act shall
454 control to the extent of such conflict.

455 Section 14. This act shall take effect July 1, 2023.
456

457 -----

458 **T I T L E A M E N D M E N T**

459 Remove everything before the enacting clause and insert:

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460 A bill to be entitled
461 An act relating to Space Florida; amending s. 20.60,
462 F.S.; requiring the Secretary of Economic Opportunity
463 to serve as the manager for the state with respect to
464 contracts with Space Florida; requiring that an annual
465 report submitted by the Department of Economic
466 Opportunity include specified information provided by
467 Space Florida and a certain analysis; amending s.
468 288.0001, F.S.; requiring the Office of Economic and
469 Demographic Research and the Office of Program Policy
470 Analysis and Government Accountability to provide to
471 the Governor and the Legislature an analysis of Space
472 Florida; amending s. 331.303, F.S.; revising
473 definitions; amending s. 331.305, F.S.; making a
474 technical change; amending s. 331.3051, F.S.; revising
475 the duties of Space Florida; requiring the Department
476 of Economic Opportunity to annually submit a proposed
477 operating budget by a specified date; requiring Space
478 Florida to annually report on its performance by a
479 specified date; amending s. 331.3081, F.S.; revising
480 membership of the board of directors of Space Florida;
481 providing for staggered terms, reappointments, filling
482 of vacancies, and removal of members; providing that
483 members serve without compensation but may receive
484 reimbursement for per diem and travel expenses;

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485 providing that open meeting and public records apply
486 to Space Florida and its board of directors; requiring
487 the board to conduct certain education programs for
488 new board members; prohibiting Space Florida from
489 endorsing a candidate for elected public office or
490 contributing moneys to such candidate's campaign;
491 specifying that certain members of the board may serve
492 until a specified date; requiring that the
493 appointments of certain board members take effect on a
494 specified date; amending s. 331.310, F.S.; conforming
495 a cross-reference; revising the powers and duties of
496 the board of directors of Space Florida; amending s.
497 331.3101, F.S.; revising the scheduled expiration of
498 provisions requiring certain information in an annual
499 report; deleting the scheduled expiration of
500 provisions relating to the expenditure of certain
501 funds; amending s. 331.312, F.S.; expanding the
502 authority Space Florida may exercise within certain
503 geographical limits; amending s. 331.313, F.S.;
504 requiring Space Florida to consult with certain
505 agencies and jurisdictions regarding certain roads;
506 requiring Space Florida to advise the Department of
507 Transportation of certain determinations and take
508 certain actions relating to certain construction
509 projects; requiring Space Florida to transfer certain

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510 funds to the Department of Transportation; authorizing
511 the Department of Transportation to proceed with
512 certain construction or maintenance in a certain
513 manner; amending s. 331.324, F.S.; requiring that
514 certain contracts include provisions requiring a
515 auditor report to provide certain periodic
516 assessments; requiring Space Florida to submit the
517 auditor's final assessment report to specified
518 entities; requiring the board of directors to submit a
519 certain statement to the Department of Economic
520 Opportunity within a specified timeframe; providing
521 construction; providing an effective date.