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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2023	.	
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The Committee on Rules (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete lines 129 - 547

and insert:

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

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

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

3. The brownfield redevelopment bonus refund established



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12 under s. 288.107.

13 4. High-impact business performance grants established
14 under s. 288.108.

15 5. The Quick Action Closing Fund established under s.
16 288.1088.

17 6. The Innovation Incentive Program established under s.
18 288.1089.

19 7. Enterprise Zone Program incentives established under ss.
20 212.08(5) and (15), 212.096, 220.181, and 220.182.

21 8. The New Markets Development Program established under
22 ss. 288.991-288.9922.

23 9. Space Florida established under s. 331.302.

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

26 331.303 Definitions.—

27 (1) "Aerospace" means the technology and industry related
28 to the design, manufacture, maintenance, repair, and operation
29 of aircraft or any other devices intended to be used or designed
30 for flight or reentry, including that designs and manufactures
31 aircraft, rockets, missiles, spacecraft, satellites, space
32 vehicles, space stations, space and aircraft facilities or
33 components thereof, and related equipment, systems, facilities,
34 simulators, programs, and ~~related~~ activities, including, but not
35 limited to, the application of aerospace and aviation
36 technologies in air-based, land-based, space-based, and sea-
37 based platforms for commercial, civil, and defense purposes.

38 (9) "Landing area" means the geographical area designated
39 by Space Florida, or another appropriate body, within the
40 spaceport territory for or intended to be used for the landing,



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41 controlling, assisting, flying, navigating, piloting,
42 maintenance, construction, and surface maneuvering of any launch
43 or other space vehicle or aerospace technology or craft.

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

46 331.305 Powers of Space Florida.—Space Florida may:

47 (13) Own, acquire, construct, reconstruct, equip, operate,
48 maintain, extend, or improve electric power plants, transmission
49 lines and related facilities, gas mains and facilities of any
50 nature for the production or distribution of natural gas,
51 transmission lines and related facilities and plants and
52 facilities for the generation and transmission of power through
53 traditional and new and experimental sources of power and
54 energy; purchase electric power, natural gas, and other sources
55 of power for distribution within any spaceport territory;

56 develop and operate water and sewer systems and waste collection
57 and disposal consistent with chapter 88-130, Laws of Florida;
58 and develop and operate such new and experimental public
59 utilities, including, but not limited to, centrally distributed
60 heating and air-conditioning facilities and services, closed-
61 circuit television systems, and computer services and
62 facilities, as the board may from time to time determine.
63 However, Space Florida may not construct any system, work,
64 project, or utility authorized to be constructed under this
65 subsection paragraph in the event that a system, work, project,
66 or utility of a similar character is being actually operated by
67 a municipality or private company in the municipality or
68 territory adjacent thereto, unless such municipality or private
69 company consents to such construction.



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70 Section 5. Present subsection (11) of section 331.3051,
71 Florida Statutes, is redesignated as subsection (14) and
72 amended, a new subsection (11) and subsections (12) and (13) are
73 added to that section, and subsections (2), (3), and (6) and
74 paragraph (e) of subsection (7) of that section are amended, to
75 read:

76 331.3051 Duties of Space Florida.—Space Florida shall:

77 (2) Enter into agreement with the Department of Education,
78 the Department of Transportation, the Department of Economic
79 Opportunity Enterprise Florida, Inc., and CareerSource Florida,
80 Inc., for the purpose of implementing this act.

81 (3) In cooperation with the Department of Economic
82 Opportunity Enterprise Florida, Inc., develop a plan to retain,
83 expand, attract, and create aerospace industry entities, public
84 or private, which results in the creation of high-value-added
85 businesses and jobs in this state. By August 15 of each fiscal
86 year, the Department of Economic Opportunity shall submit a
87 proposed operating budget for Space Florida, which includes
88 amounts to be expended on incentives, advertising, events, other
89 operating capital outlay, and salaries and benefits for each
90 employee, to the Governor, the President of the Senate, and the
91 Speaker of the House of Representatives.

92 (6) Develop, in cooperation with the Department of Economic
93 Opportunity Enterprise Florida, Inc., a plan to provide
94 financing assistance to aerospace businesses. The plan may
95 include the following activities:

96 (a) Assembling, publishing, and disseminating information
97 concerning financing opportunities and techniques for aerospace
98 projects, programs, and activities; sources of public and



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99 private aerospace financing assistance; and sources of
100 aerospace-related financing.

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

104 (c) Coordinating with programs and goals of the Department
105 of Defense, the National Aeronautics and Space Administration,
106 the Export-Import Bank of the United States, the International
107 Trade Administration of the United States Department of
108 Commerce, the Foreign Credit Insurance Association, and other
109 private and public programs and organizations, domestic and
110 foreign.

111 (d) Establishing a network of contacts among those domestic
112 and foreign public and private organizations that provide
113 information, technical assistance, and financial support to the
114 aerospace industry.

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

117 (7) Carry out its responsibilities for spaceport operations
118 by:

119 (e) Consulting regularly, ~~as necessary~~, with the
120 appropriate federal, state, and local authorities, including the
121 National Aeronautics and Space Administration, the Federal
122 Aviation Administration, the Department of Defense, the
123 Department of Transportation, the Florida National Guard, and
124 industry on all aspects of establishing and operating spaceport
125 infrastructure and related aerospace facilities within this ~~the~~
126 state.

127 (11) Partner with the Board of Governors to foster



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128 technological advancement and economic development for spaceport
129 activities by strengthening higher education programs and
130 supporting aerospace activities.

131 (12) Partner with the Division of Workforce Services of the
132 Department of Economic Opportunity, CareerSource Florida, Inc.,
133 and local workforce development boards to support initiatives
134 that address the high technology skills and staff resources
135 needed to better promote the state's efforts in becoming the
136 nation's leader in aerospace and space exploration.

137 (13) Partner with the Metropolitan Planning Organization
138 Advisory Council to coordinate and specify how aerospace
139 planning and programming will be part of the state's cooperative
140 transportation planning process.

141 (14) (a) ~~(11)~~ In addition to the reporting requirements in
142 chapter 189, report by each October 1 annually report on its
143 performance during the previous fiscal year with respect to its
144 business plan, to include finance, spaceport operations,
145 research and development, workforce development, and education.
146 Space Florida shall submit the report to the Department of
147 Economic Opportunity for inclusion in the annual report required
148 under s. 20.60 Governor, the President of the Senate, and the
149 Speaker of the House of Representatives by November 30 for the
150 previous fiscal year.

151 (b) The annual report must include:

152 1. Operations information as required under s.
153 331.310(2)(e).

154 2. Activities, accomplishments, and progress concerning the
155 implementation of the spaceport master plan and other measurable
156 goals, and any updates to such plan and goals.



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157 3. Data on the economic impact of the aerospace industry in
158 this state during the previous year, including, but not limited
159 to, the amount and sources of capital investment, the number of
160 jobs created and retained, and annualized average wages, listed
161 by geographic areas within this state as specified by the board.

162 4. Any other information required by the Department of
163 Economic Opportunity.

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

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

169 331.3081 Board of directors; officers and employees of
170 Space Florida.-

171 (1) Space Florida is shall be governed by an a 13-member
172 independent board of directors composed of that consists of the
173 members appointed to the board of directors of Enterprise
174 Florida, Inc., by the Governor, the President of the Senate, and
175 the Speaker of the House of Representatives pursuant to s.
176 288.901(5)(a)8. and the Governor, who shall serve ex officio, or
177 who may appoint a designee to serve, as the chair and a voting
178 member of the board, and the following appointed members:

179 (a) The Secretary of Transportation, or his or her
180 designee.

181 (b) Four members appointed by the Governor.

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

183 (d) One member who is appointed by the President of the
184 Senate from the members of the Senate and who shall serve ex
185 officio as a nonvoting member of the board.



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186 (e) One member appointed by the Speaker of the House of
187 Representatives.

188 (f) One member who is appointed by the Speaker of the House
189 of Representatives from the members of the House of
190 Representatives and who shall serve ex officio as a nonvoting
191 member of the board.

192 (g) Three representatives appointed by the Governor, who
193 shall serve ex officio as nonvoting members of the board, one
194 each from the following:

195 1. An airport authority with the capability for horizontal
196 launches, such as the Jacksonville Aviation Authority or the
197 Titusville-Cocoa Airport Authority.

198 2. Operations or management of a port district or port
199 authority, as defined in s. 315.02(2) or (1), respectively.

200 3. Operations or management of a spaceport territory, as
201 identified in s. 331.304.

202 (2) (a) All members of the board who are appointed by the
203 Governor are subject to confirmation by the Senate. When making
204 appointments to the board, except for the appointments under
205 paragraphs (1) (d) and (f), the appointing official shall:

206 1. Select an individual to serve who reflects the state's
207 interests in the aerospace sector and represents the intent,
208 duties, and purpose of Space Florida; or

209 2. Select an individual who has at least 5 years of
210 experience in at least one of the following areas:

211 a. The aerospace industry, including technology,
212 manufacturing, or supply chain fields, and human space flight.

213 Such member may not be employed at the time of appointment by an
214 entity that is under contract with Space Florida.



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215 b. Bond financing.
216 c. Academic study of aerospace, aviation, or a relevant
217 science.
218 d. Management or operation of aircraft facilities, fixed-
219 base operations, or commercial airport operations.
220 e. Management or finance of a technology or manufacturing
221 startup business or international business.
222 3. Ensure that the appointee is a resident of this state or
223 has a business enterprise in this state.
224 (b) Appointed members shall serve 4-year terms, except that
225 to provide for staggered terms, the Governor shall initially
226 appoint two members to serve 2-year terms, two members to serve
227 3-year terms, and one member to serve a 4-year term. The initial
228 appointees of the President of the Senate and the Speaker of the
229 House of Representatives shall serve 4-year terms. All
230 subsequent appointments shall be for 4-year terms.
231 (c) Initial appointments must be made by October 1, 2023.
232 Terms end on September 30 of the last year of the member's term.
233 (d) Any member is eligible for reappointment, except that a
234 member may not serve more than two 4-year terms.
235 (e) A vacancy on the board of directors must be filled for
236 the remainder of the unexpired term in the same manner as the
237 original appointment.
238 (f) Appointed members may be removed by the appointing
239 official for cause. Absence from three consecutive meetings is
240 cause for removal.
241 (3) Board members shall serve without compensation, but are
242 entitled to receive reimbursement for per diem and travel
243 expenses pursuant to s. 112.061. Such expenses must be paid out



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244 of Space Florida funds.

245 (4) (a) The board of directors shall meet at least
246 quarterly, upon the call of the chairperson, or at the request
247 of a majority of the membership.

248 (b) A majority of the total number of current voting
249 members constitutes a quorum. The board of directors may take
250 official action by a majority vote of the members present at any
251 meeting at which a quorum is present.

252 (c) Meetings may be held through teleconference or other
253 electronic means.

254 (5) Open meeting and public records requirements of chapter
255 119 and s. 286.011 apply to Space Florida and its board of
256 directors.

257 (6) The board shall conduct education programs for newly
258 appointed board members as provided by the Department of
259 Economic Opportunity in accordance with s. 189.063.

260 (7) Space Florida may not endorse any candidate for elected
261 public office or contribute moneys to the campaign of any such
262 candidate.

263 Section 7. Members appointed to the board of directors of
264 Space Florida before the effective date of this act may continue
265 to serve on the board until October 1, 2023. All new
266 appointments to the board of directors as required in s.
267 331.3081, Florida Statutes, as amended by this act, shall take
268 effect on October 1, 2023.

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

271 331.310 Powers and duties of the board of directors.-

272 (2) The board of directors shall:



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273 (e) Prepare an annual report of operations as a supplement
274 to the annual report required under s. 331.3051(14) ~~s.~~
275 ~~331.3051(11)~~. The report must include, but not be limited to, a
276 balance sheet, an income statement, a statement of changes in
277 financial position, a reconciliation of changes in equity
278 accounts, a summary of significant accounting principles, the
279 auditor's report, a summary of the status of existing and
280 proposed bonding projects, comments from management about the
281 year's business, and prospects for the next year.

282 (f) Establish a personnel management system and appropriate
283 security controls, including access privileges and other
284 measures to protect the confidentiality, integrity, and
285 availability of data and resources.

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

288 331.3101 Space Florida; travel and entertainment expenses.-

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

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

294 (b) To the extent such expenses exceed the generally
295 allowable expense limits under s. 112.061, provide reasons
296 behind the need to exceed the statutory expense limits in s.
297 112.061;

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



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

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

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

319 (b) ~~For the 2022-2023 fiscal year,~~ Lodging expenses for a
320 board member, staff, or an employee of Space Florida may not
321 exceed \$150 per day, excluding taxes, unless Space Florida is
322 participating in a negotiated group rate discount or Space
323 Florida provides documentation of at least three comparable
324 alternatives demonstrating that such lodging at the required
325 rate is not available. However, a board member, staff, or an
326 employee of Space Florida may expend his or her own funds for
327 any lodging expenses in excess of \$150 per day.

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

329 Section 10. Section 331.312, Florida Statutes, is amended
330 to read:



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331 331.312 Furnishing facilities and services within the
332 spaceport territory.—Space Florida may own, acquire, construct,
333 develop, create, maintain, equip, extend, improve, reconstruct,
334 and operate its projects within the geographical limits of the
335 spaceport territory, including any portions of the spaceport
336 territory located inside the boundaries of any ~~incorporated~~
337 ~~municipality or other~~ political subdivision, and offer, supply,
338 maintain, and furnish the facilities and services provided for
339 in this act to, and establish and collect fees, rentals, and
340 other charges from, persons, public or private, within the
341 geographical limits of the spaceport territory and for the use
342 of Space Florida itself.

343 Section 11. Section 331.313, Florida Statutes, is amended
344 to read:

345 331.313 Power of Space Florida with respect to roads.—

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



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360 (2) Space Florida shall advise the Department of
361 Transportation of any determination Space Florida makes to
362 construct or maintain a road or bridge within its territory;
363 provide the department with complete copies of all documents,
364 agreements, resolutions, contracts, and instruments relating to
365 such construction or maintenance; and, if necessary, request the
366 department to perform such construction or maintenance work,
367 including the acquisition of necessary rights-of-way, planning,
368 surveying, and actual construction of the project. Space Florida
369 shall transfer to the Department of Transportation any funds
370 provided for such construction or maintenance. The Department of
371 Transportation is authorized to proceed with such construction
372 or maintenance and to use funds for such work in the same manner
373 that the department is authorized to use the funds otherwise
374 provided by law for construction of roads and bridges.

375 Section 12. Section 331.324, Florida Statutes, is amended
376 to read:

377 331.324 Contracts, grants, and contributions.—

378 (1) Space Florida may make and enter all contracts and
379 agreements necessary or incidental to the performance of the
380 functions of Space Florida and the execution of its powers, and
381 may contract with, and accept and receive grants or loans of
382 money, material, or property from, any person, private or
383 public, as the board determines ~~shall determine~~ to be necessary
384 or desirable to carry out the purposes of this act, and may, in
385 connection with any such contract, grant, or loan, stipulate and
386 agree to such covenants, terms, and conditions as the board
387 deems ~~shall deem~~ appropriate.

388 (2) (a) A contract with a service organization for services



389 which exceeds \$250,000 and is for a period of 12 months or
390 longer must include provisions requiring an auditor report to
391 provide periodic assessments of the effectiveness of the
392 executed contract document, the service organization, and any
393 other providers relevant to the contract, to ensure that the
394 service organization maintains adequate internal controls to
395 comply with the terms and conditions of the contract, to
396 validate and receive goods and services, and to determine
397 whether the contracted service is cost-effective and meets Space
398 Florida's requirements and goals.

399 (b) Space Florida shall submit the auditor's final report
400 to the Space Florida board of directors and the Secretary of
401 Economic Opportunity, or his or her designee. Within 30 days
402 after receipt of the final report, the board shall submit to the
403 Department of Economic Opportunity a written statement of
404 explanation or rebuttal concerning findings requiring corrective
405 action, including corrective action to be taken to preclude a
406 recurrence of such findings.

407
408 ===== T I T L E A M E N D M E N T =====

409 And the title is amended as follows:

410 Delete lines 13 - 62

411 and insert:

412 Florida; amending s. 331.303, F.S.; revising the
413 definitions of the terms "aerospace" and "landing
414 area"; amending s. 331.305, F.S.; making a technical
415 change; amending s. 331.3051, F.S.; revising the
416 duties of Space Florida; requiring the Department of
417 Economic Opportunity to annually submit a proposed



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418 operating budget by a specified date; requiring Space
419 Florida to annually report on its performance by a
420 specified date; amending s. 331.3081, F.S.; revising
421 membership of the board of directors of Space Florida;
422 providing for certain Senate confirmation; specifying
423 requirements of the appointing official, staggered
424 terms, reappointments, filling of vacancies, and
425 removal of members; providing that appointed members
426 serve without compensation but may receive
427 reimbursement for per diem and travel expenses;
428 specifying requirements regarding meetings of the
429 board of the of directors; specifying quorum and when
430 the board of directors may take official action;
431 authorizing meetings through teleconference; providing
432 that open meeting and public records laws apply to
433 Space Florida and its board of directors; requiring
434 the board to conduct certain education programs for
435 new board members; prohibiting Space Florida from
436 endorsing a candidate for elected public office or
437 contributing moneys to such candidate's campaign;
438 specifying that members of the existing board may
439 serve until a specified date; requiring that the
440 appointments of certain board members take effect on a
441 specified date; amending s. 331.310, F.S.; conforming
442 a cross-reference; revising the powers and duties of
443 the board of directors of Space Florida; amending s.
444 331.3101, F.S.; revising the scheduled expiration of
445 provisions requiring certain information in an annual
446 report; deleting the scheduled expiration of



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447 provisions relating to the expenditure of certain
448 funds; amending s. 331.312, F.S.; expanding the
449 authority that Space Florida may exercise within
450 certain geographical limits; amending s. 331.313,
451 F.S.; requiring Space Florida to consult with certain
452 agencies and jurisdictions regarding certain roads;
453 requiring Space Florida to advise the Department of
454 Transportation of certain determinations and take
455 certain actions relating to certain construction
456 projects; requiring Space Florida to transfer certain
457 funds to the Department of Transportation; authorizing
458 the Department of Transportation to proceed with
459 certain construction or maintenance in a certain
460 manner; amending s. 331.324, F.S.; requiring that
461 certain contracts include provisions requiring an
462 auditor report to provide certain periodic
463 assessments; requiring Space Florida to submit the
464 auditor's final assessment report to specified