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

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

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51 beginning on a certain date; providing that the
 52 provisions of this act shall control to the extent of
 53 certain conflicts; providing an effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

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

60 20.60 Department of Economic Opportunity; creation; powers
 61 and duties.—

62 (9) The secretary shall:

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

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

81 (b) The report must incorporate annual reports of other
 82 programs, including:

83 1. Information provided by the Department of Revenue under
 84 s. 290.014.

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

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

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

95 5. The Rural Economic Development Initiative established
 96 under s. 288.0656.

97 6. The Florida Unique Abilities Partner Program.

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

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

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

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

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

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

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

121 331.303 Definitions.—

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

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

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

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

141 331.305 Powers of Space Florida.—Space Florida may:

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

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

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

171 331.3051 Duties of Space Florida.—Space Florida shall:
 172 (2) Enter into agreement with the Department of Education,
 173 the Department of Transportation, the Department of Economic
 174 Opportunity ~~Enterprise Florida, Inc.~~, and CareerSource Florida,
 175 Inc., for the purpose of implementing this act.

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

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

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

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

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

200 (d) Establishing a network of contacts among those

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201 domestic and foreign public and private organizations that
 202 provide information, technical assistance, and financial support
 203 to the aerospace industry.

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

206 (7) Carry out its responsibilities for spaceport
 207 operations by:

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

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

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

225 (13) Partner with the Division of Workforce Services of

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226 the Department of Economic Opportunity, CareerSource Florida,
 227 Inc., and local workforce development boards to support
 228 initiatives that address the high technology skills and staff
 229 resources needed to better promote the state's efforts in
 230 becoming the nation's leader in aerospace and space exploration.

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

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

239 (a) Its operations and accomplishments during the fiscal
 240 year.

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

244 (c) Any other information required by the Department of
 245 Economic Opportunity.

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

250 (b) Space Florida shall submit the report to the Governor,

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251 the President of the Senate, and the Speaker of the House of
 252 Representatives by November 30 for the previous fiscal year.

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

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

262 331.3081 Board of directors.—

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

268 (a) The Secretary of Transportation or his or her
 269 designee.

270 (b) Five members appointed by the Governor who must each
 271 reflect the state's interests in the aerospace sector and
 272 represent the intent, duties, and purpose of Space Florida, or
 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

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

278 2. Bond financing.

279 3. Academic experience in aerospace, aviation, or a
 280 relevant science.

281 4. An aircraft facilities manager, a fixed-based operator,
 282 or a commercial airport operator.

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

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

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

292 1. The Jacksonville Aviation Authority.

293 2. The Titusville-Cocoa Airport Authority.

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

296 (2) All members of the board who are appointed by the
 297 Governor are subject to confirmation by the Senate.

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

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301 to serve 3-year terms. All subsequent appointments shall be for
302 4-year terms.

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

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

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

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

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

317 (5)(a) The board of directors shall meet at least
318 quarterly, upon the call of the chairperson, or at the request
319 of a majority of the membership.

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

324 (c) Meetings may be held via teleconference or other
325 electronic means.

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326 (6) The board shall conduct education for newly appointed
 327 board members as provided by the Department of Economic
 328 Opportunity in accordance with s. 189.063.

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

337 Section 7. Paragraph (e) of subsection (2) of section
 338 331.310, Florida Statutes, is amended to read:

339 331.310 Powers and duties of the board of directors.—

340 (2) The board of directors shall:

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

350 Section 8. Subsections (5) and (6) of section 331.3101,

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351 Florida Statutes, are amended to read:

352 331.3101 Space Florida; travel and entertainment
 353 expenses.—

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

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

359 (b) To the extent such expenses exceed the generally
 360 allowable expense limits under s. 112.061, provide reasons
 361 behind the need to exceed the statutory expense limits in s.
 362 112.061;

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

367 (d) Include information related to corrective actions and
 368 steps taken by Space Florida to address the findings in Auditor
 369 General Report No. 2022-049. This paragraph expires July 1,
 370 2024.

371
 372 ~~This subsection expires July 1, 2023.~~

373 (6) Notwithstanding the provisions of this section, travel
 374 and entertainment expenses incurred by Space Florida may only be
 375 for expenses that are solely and exclusively incurred in

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376 connection with the performance of its statutory duties and made
 377 in accordance with this subsection.

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

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

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

396 Section 9. Section 331.312, Florida Statutes, is amended
 397 to read:

398 331.312 Furnishing facilities and services within the
 399 spaceport territory.—Space Florida may own, acquire, construct,
 400 develop, create, maintain, equip, extend, improve, reconstruct,

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

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

412 331.313 Power of Space Florida with respect to roads.—

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

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426 ~~owning agency or jurisdiction.~~

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

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

444 331.324 Contracts, grants, and contributions.—

445 (1) Space Florida may make and enter all contracts and
 446 agreements necessary or incidental to the performance of the
 447 functions of Space Florida and the execution of its powers, and
 448 contract with, and accept and receive grants or loans of money,
 449 material, or property from, any person, private or public, as
 450 the board shall determine to be necessary or desirable to carry

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451 out the purposes of this act, and, in connection with any such
452 contract, grant, or loan, stipulate and agree to such covenants,
453 terms, and conditions as the board shall deem appropriate.

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

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

472 (c) Beginning October 1, 2023, and every 3 years
473 thereafter, Space Florida shall complete a risk-based compliance
474 assessment of all internal contracts executed by Space Florida
475 for the preceding 3 fiscal years. The assessment must include

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476 steps to reasonably ensure that contracted service
477 organizations' controls relevant to services provided are
478 suitably designed and operating effectively. The assessment
479 findings must be submitted to the board of directors, the
480 Secretary of Economic Opportunity or his or her designee, the
481 Governor, the President of the Senate, and the Speaker of the
482 House of Representatives.

483 Section 12. In the event of a conflict of any provision of
484 this act with the provisions of any other act, the provisions of
485 this act shall control to the extent of such conflict.

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