

This bill does not alter the powers and duties of the board, nor does it impact the scope of Space Florida's rule-making authority.

This bill repeals s. 331.308, F.S., and creates s. 331.3081, F.S.

II. Present Situation:

In 2006, the Legislature created Space Florida within ch. 331, F.S., as the successor organization to the Florida Space Authority, the Florida Space Research Institute and the Florida Aerospace Finance Corporation. Space Florida is responsible for promoting the development of a sustainable aerospace industry, space infrastructure, and educational opportunities for people interested in working in the space and aerospace industry.

The activities of Space Florida and its staff are overseen by a 19-member board of directors (board). The current board consists of:

- Five ex-officio, voting members:
 - The Governor or the Governor's designee;
 - The Secretary of Transportation or the secretary's designee;
 - The President of Workforce Florida, Inc., or the president's designee;
 - The President of Enterprise Florida, Inc., or the president's designee; and
 - The Commissioner of Education or the commissioner's designee.
- Twelve members from the private sector appointed by the Governor:
 - One must be a representative of organized labor with professional experience in the aerospace industry; and
 - At least one individual from each of the following industries: business, finance, marketing, space, aerospace, aviation, defense, research and development, and education; and
 - When making these appointments, the Governor must "consider whether the current members of the board, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state."
- Two ex-officio, nonvoting members:
 - A member of the Senate, selected by the President of the Senate; and
 - A member of the House of Representatives, selected by the Speaker.

Designees of appointed members do not have voting authority. The appointees of the President of the Senate and the Speaker of the House of Representatives serve at the pleasure of their presiding officers. Appointed members may be removed by the Governor for cause. Absence from three consecutive meetings without good cause results in automatic removal by the Governor.

The Governor serves as the chair of the board, and the members biennially elect one of the private-sector members as vice chair to serve in the Governor's absence and to perform such other duties as may be designated.

Board members serve without compensation, but may be reimbursed for "all reasonable, necessary, and actual expenses" related to travel and meeting expenses incurred in their official

duties, pursuant to s. 112.061, F.S. Board members also must file a disclosure of financial interests, pursuant to s. 112.3145, F.S.

III. Effect of Proposed Changes:

CS/SB 2606 makes a number of significant changes to the composition of Space Florida's board of directors.

Section 1: Creates s. 331.3081, F.S., to constitute a new board of directors for Space Florida.

The new board has 13 voting members, rather than the current 17. This includes a reduction in the number of ex-officio, voting members from 5 to 4 and a reduction in the Governor's appointees from 12 to 9. There are no changes in the requirements for the ex-officio, nonvoting members. Specifically:

- Changes for ex-officio, voting members:
 - Specifically requires that the Lieutenant Governor serve as the Governor's designee; and
 - Removes the Commissioner of Education from the board.
- Changes for appointed members:
 - Retains one member from organized labor with experience in the aerospace industry; and
 - Appoints:
 - Two members from the state's aerospace-related industries;
 - Two members, each representing a separate commercial aerospace company involved in human space flight programs or commercial access to space;
 - Two members, each representing a separate commercial company working under federal government contracts to conduct space-related business;
 - One member from an alternative energy enterprise with potential for aerospace applications; and
 - One member from the aerospace industry whose primary client is the U.S. Department of Defense.

Among general requirements for the new board members, CS/SB 2606 specifies that:

- All appointees have "demonstrated knowledge and experience in the field of aerospace or have experience which is directly applicable to the state's aerospace endeavors";
- All voting members must be residents of the state or have a business enterprise in Florida;
- The Governor must consider whether the membership reflects the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state; and
- Designees of the appointed members representing the private-sector do not have voting authority, while the Lieutenant Governor and designees of agency members may vote.

The Governor or the Lieutenant Governor as the Governor's designee serves as chair of the board.

The terms of the current board members expire 90 days after this section becomes law, and the new board members must be appointed and confirmed by the Senate 91 days after this section become laws. However, the new board members will operate under interim status until the next called meeting of the Senate, the earliest of which likely would be in November 2010.

The terms of four of the nine new appointees shall be for 2 years, and the other five appointees shall serve terms of 4 years. All subsequent terms are for 4 years. Vacancies for unexpired terms shall be filled by persons with the same qualifications and for the length of time remaining.

Consistent with current law, this bill allows for removal of appointed members by the Governor “for cause,” but it removes the existing provision requiring automatic removal of members who are absent from three consecutive meetings without good cause. In addition, the bill allows for removal of appointed members by a simple majority of the board of directors voting at a properly noticed meeting of the board.

Section 2: Repeals s. 331.308, F.S., the statute that created the existing 19-member board of directors.

Section 3: Specifies this act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Travel and other approved expenses under s. 112.061, F.S., for Space Florida’s board members are likely to be less, with fewer board members.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 20, 2010:

The committee substitute for committee substitute:

- Specifies that the Governor or the Lieutenant Governor as the Governor's designee shall serve as chair of the board.

CS by Commerce on March 25, 2010:

The committee substitute:

- Gives designees of ex-officio, voting members (agency heads) the authority to vote.
- Retains current law specifying that designees of Governor-appointed voting members do not have the authority to vote.
- Replaces the director of the Agency for Workforce Innovation with the president of Workforce Florida, Inc., reverting to current law.
- Replaces the vice chair of Enterprise Florida, Inc. with the president of Enterprise Florida, Inc., reverting to current law.
- Changes the date for the expiration of terms of the current members from 180 days after the CS takes effect to 90 days after the CS takes effect.
- Changes the required date for initial appointments and Senate confirmations of the appointments to the new board from within 180 days after the CS takes effect to 91 days after the CS takes effect.

- B. **Amendments:**

None.