HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1425 CS   Technological Research and Development Authority, Brevard County

SPONSOR(S): Poppell

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N, w/CS	Nelson	Hamby
2) Spaceport & Technology Committee			
3)			
4)			
5)			

SUMMARY ANALYSIS

The Technological Research and Development Authority is an independent special district located in Brevard County. This bill codifies all prior special acts of the authority into a single act. The bill makes minor, stylistic changes to language in the district charter. The bill includes provisions which are not contained in previous district special acts including a severability clause.

No fiscal impacts are anticipated according to the Economic Impact Statement.

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Codification

Codification is the process of compiling, updating and systematically arranging the special acts that comprise a special district's charter. After a district is created by special act of the Legislature, original charter provisions may be amended by subsequent special acts. Because special act amendments are not automatically incorporated into one special act charter, it is necessary to locate all special acts amending a district's original charter in order to ascertain its current status. This process can be difficult and time-consuming. Codification of special district charters permits readers to easily locate and identify the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature in ss. 189.429[1] and 191.015[2], F.S., both of which were amended in 1998. These laws provide for codification of all special district charters by December 1, 2004.[3] Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district. The 2001 Legislature amended s. 189.429, F.S., to provide that reenactment of existing law: (1) shall not be construed to grant additional authority nor supersede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend or alter any covenants, contracts or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of ss. 189.429 and 191.015, F.S., 173 special districts have codified their charters.

The Technological Research and Development Authority

The Technological Research and Development Authority was created as an independent special district by ch. 87-455, L.O.F.[4] The authority is administered by a five-member commission of Brevard County residents who are appointed by the Governor to serve four-year terms. The board is empowered to:

(1) plan and undertake a program of action which promotes scientific research and development and fosters higher education which relates to scientific research and development or provides for the economic development of Brevard County as a center for high technology and scientific research and development;

(2) contract with and support the programs of those accredited institutions of higher learning with research capability and whose main campuses are located within Brevard County, and to contract with any other accredited institutions of higher learning with a research capability in furtherance of the objectives of the authority;

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[1] Chapter 189, F.S., is known as the "Uniform Special District Accountability Act."
[2] Chapter 191, F.S., is known as the "Independent Special Fire Control District Act."
[3] The 1998 amendment allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the House Committee on Community Affairs.
[4] Chapter 87-455 has been amended by the following subsequent special acts: chs. 89-500 (repealed by ch. 94-423, L.O.F.) and 94-423, L.O.F.

(3) enter into grants, bequests, contracts and other agreements with units of government and private parties for the purpose of obtaining funds for projects and programs which further the objectives of the authority;

(4) establish an annual budget, amend the budget when necessary, and utilize all funds received only for projects, contracts, programs and grants which further the objectives of the authority;

(5) adopt an official seal and alter the same at its pleasure;

(6) maintain an office in Brevard County;

(7) sue and be sued in its own name;

(8) acquire by lease, purchase or option real and personal property for any uses consistent with its purposes;

(9) finance or refinance and to secure the issuance and repayment of bonds; and

(10) employ personnel, consultants, accountants, attorneys, engineers and such other experts as may be necessary and convenient in the execution of the powers of the authority.

Pursuant to s. 320.08058(2)(c), F.S., 50 percent of the Challenger/Columbia license plate annual use fee is distributed to the authority for the purpose of funding space-related research grants, and the Teacher/Quest Scholarship Program under s. 1009.61, F.S. The authority is required to coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts and not-for-profit educational organizations.

This bill codifies all prior special acts of the district into a single act, as required by s. 189.429, F.S. The bill makes minor, stylistic changes to language in the district charter. The bill contains provisions which are not contained in previous district special acts including a severability clause.

C. SECTION DIRECTORY:

Section 1: Provides that the act constitutes the codification of all special acts relating to the district.

Section 2: Codifies, amends, reenacts and repeals special acts relating to the district's charter.

Section 3: Re-creates and reenacts the district charter as follows:

Section 1: Provides legislative finding. Adds new language which provides that the authority will promote scientific research and development beyond Brevard County.

Section 2: Provides for the creation, incorporation and purpose of the authority.

Section 3: Provides for appointment and terms of authority commission. Provides for election of authority officers.

Section 4: Provides for powers and duties of the district board.

Section 5: Provides for liberal construction of act.

Section 6: Adds new language providing for severability of invalid provisions.

Section 4: Repeals previous special acts.

Section 5: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED?   Yes [x]   No []

IF YES, WHEN? January 28, 29 and 30, 2005

WHERE? *Florida Today*, a daily newspaper published in Brevard County.

B. REFERENDUM(S) REQUIRED?   Yes []   No [x]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED?   Yes, attached [x]   No []

D. ECONOMIC IMPACT STATEMENT FILED?   Yes, attached [x]   No []

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its meeting on April 13, 2005, the Local Government Council adopted a strike all amendment which corrected references to prior district special acts, and removed new language which specifically provided that the authority could operate beyond Brevard County.