

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 954

INTRODUCER: Senator Gardiner

SUBJECT: Technological Research and Development Authority

DATE: March 15, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	<b>Favorable</b>
2.	Everette	Phelps	RC	<b>Favorable</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

SB 954 removes each reference to the Technological Research and Development Authority (TRDA)<sup>1</sup> from Florida Statute. Specifically, the bill removes the TRDA from:

- s. 320.08058, F.S., relating to use of funds accruing from the sale of the Challenger/Columbia specialty license plates;
- s.379.2202, F.S., relating to the list of commissions receiving federal funds through saltwater license and permit fees collected under s. 379.354, F.S.; and
- s. 112.3148(6)(a)(b), F.S., relating to reporting of receipt of gifts by public disclosure of financial interests and by procurement of employees.

This bill substantially amends the following sections of the Florida Statutes: 320.08058, 379.2202, and 112.3148.

**II. Present Situation:**

*Technological Research and Development Authority (TRDA)*

The TRDA is headquartered in Melbourne, Florida and consists of a board of directors, an advisors' board, and executives in residence. The authority is codified in ch.2005-337, Laws of Florida, as a technology-based economic development organization with the purposes of promoting research and development and fostering higher education in Brevard County to diversify the economic base of the county and the state.

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<sup>1</sup> Created by s. 2, chapter 87-455, Laws of Florida

On March 1, 2012 in the U.S. District Court for the Southern District of Mississippi, a petition for termination and dissolution was necessitated by a lawsuit filed against TRDA by the United States Department of Justice (DOJ). Through the lawsuit, DOJ seeks to recover federal grant money from TRDA for alleged unallowable costs associated with business incubation projects in Syracuse, New York and Melbourne, Florida during a period from 2002 through 2006. After considerable review of the issues raised by DOJ, and the options available to TRDA, on May 30, 2012, the TRDA Board of Directors, by a vote of four (4) for and none (0) against, authorized the entering into of settlement negotiations with DOJ.

On November 15, 2012 the TRDA Board of Directors approved the execution of a Settlement Agreement with DOJ. Though entering into a Settlement Agreement, TRDA does not admit liability.

The terms of the Settlement Agreement specify that TRDA would take the necessary steps to wind-down its operations and dissolve the organization. The wind-down period would take approximately 12-14 months.

Further, the terms specify that DOJ agrees not to enforce any judgment against TRDA's assets, presuming certain conditions are met. In addition, DOJ releases TRDA's current Board of Directors and staff from civil liability related to the conduct alleged in the lawsuit.

#### *Challenger/Columbia Specialty License Plate*

In 2003, the department developed the Challenger/Columbia license plate to commemorate the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986, and the seven astronauts who died when the Columbia exploded on reentry in 2003. Section 320.08058(2), F.S., authorizes fifty percent of the Challenger/Columbia license plate annual use fees to be distributed to the Astronauts Memorial Foundation, Inc.,<sup>2</sup> to support the operations of the Center for Space Education and the Education Technology Institute. The other fifty percent is distributed to the Technological Research and Development Authority, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program<sup>3</sup> under s. 1009.61, F.S., as approved by the Florida Department of Education, and space-related economic development programs. The TRDA coordinates and distributes 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.

#### *Marine Resources Conservation Trust Fund*

Section 379.2201, F.S., provides that the TRDA receives funds through all saltwater license and permit fees collected and deposited into the Marine Resources Conservation Trust Fund to be used for administration of licensing programs and education, fishery enhancements, and marine research and management, among other things.

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<sup>2</sup> The Astronauts Memorial Foundation honors and memorializes those astronauts who have sacrificed their lives for the nation and the space program by sponsoring the national Space Mirror Memorial, and implementing innovative educational technology programs. The Memorial was founded in the wake of the Challenger accident 1986.

<http://floridaspacegrant.org/affiliates-info/the-astronauts-memorial-foundation/>

<sup>3</sup> Provides teachers with the opportunity to enhance his or her knowledge of science, math, and computer applications in business, industry and government.

*Reporting of Gifts by Employees*

The provisions of s. 112.3148, F.S., requires reporting and filing of receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.

**III. Effect of Proposed Changes:**

The bill amends s. 320.08058(2), F.S., by deleting the fifty percent distribution of the annual use fee collected through the sale of Challenger/Columbia specialty license plates, to the TRDA. The other fifty percent of use fee funds collected are distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute. With the passage of this bill, the Astronauts Memorial Foundation, Inc., will receive the full collection of annual use fees to support the operations of the Center for Space Education and the Education Technology Institute. The provision takes effect September 30, 2013.

The bill amends s. 379.2202, F.S., to remove the TRDA from the research institutions receiving funds from the Marine Resources Conservation Trust Fund under s. 379.2201, F.S. The provision takes effect July 1, 2013.

The bill also amends s. 112.3148, F.S., and removes the requirement of the TRDA of reporting receipt of gifts by individuals filing full or limited public disclosure of financial interests. The provision takes effect December 31, 2013.

The bill, except otherwise expressed above, takes 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:**

B. Private Sector Impact:

The Revenue Estimating Conference has not yet estimated the fiscal impact of this bill.

C. Government Sector Impact:

None.

**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.)

None.

B. Amendments:

None.