

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1167 Entertainment Industry Incentive TF  
**SPONSOR(S):** D. Davis  
**TIED BILLS:** 1149 **IDEN./SIM. BILLS:** SB 1758

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Tourism (Sub)	5 Y, 0 N	McDonald	Whitfield
2) Commerce			
3) Transportation & Econ. Dev. Apps. (Sub)			
4) Appropriations			
5)			

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### SUMMARY ANALYSIS

HB 1167 creates the Entertainment Industry Financial Incentive Trust Fund (trust fund) within the Office of Tourism, Trade, and Economic Development (OTTED) in the Executive Office of the Governor. The purpose of the trust fund is to facilitate incentive payments under the entertainment industry financial incentive program created in HB 1149 or similar legislation creating the program. OTTED is to administer the trust fund.

The trust fund is to be funded from appropriations from General Revenue or other sources specifically to fund the incentive program. Unless terminated sooner, the trust fund will terminate on July 1, 2007. Prior to its termination, the trust fund shall be reviewed as provided in s. 215.3206, F.S.

The bill takes effect on July 1, 2002, contingent upon passage and enactment of certain legislation. HB 1167 must be enacted by a three-fifths vote of the membership of each House.

There is no fiscal impact on state or local governments because the purpose of the bill is only to create the trust fund.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1167a.com.doc  
**DATE:** March 17, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Pursuant to Article III, Section 19(f)(1), of the State Constitution, no trust fund of the State of Florida or any public body may be created by law without a three-fifths vote of the membership of each House of the Legislature. Additionally, the bill creating the trust fund must be separate from any related substantive bill. Also, Article III, Section 19(f)(2), of the State Constitution, requires the trust fund to terminate not more than four years after its creation. Section 215.3206, F.S., provides the statutory process for legislative review of trust funds prior to their termination so that the Legislature can decide whether to re-create, re-create with amendment, or terminate any trust fund.

HB 1167 creates the Entertainment Industry Financial Incentive Trust Fund (trust fund) within the Office of Tourism, Trade and Economic Development (OTTED) in the Office of the Governor. The bill is tied to the passage and enactment of HB 1149 or similar legislation creating the entertainment industry financial incentive program. The bill must also meet the constitutional requirements for passage by the Legislature. HB 1167 requires a legislative review pursuant to s. 215.3206(1) and (2), F.S., prior to its scheduled constitutionally required termination of July 1, 2007. Finally, the trust fund, to be administered by OTTED, is a repository and distribution point for funds appropriated from General Revenue or other sources to fund the program created in the substantive legislation.

#### C. SECTION DIRECTORY:

Section 1. Creates the Entertainment Industry Financial Incentive Trust Fund; delineates contingencies for such creation and continuation.

Section 2. Provides contingencies for effective date of trust fund legislation.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
See Fiscal Comments section.
2. Expenditures:  
See Fiscal Comments section.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

See Fiscal Comments section.

2. Expenditures:

See Fiscal Comments section.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

See Fiscal Comments section.

**D. FISCAL COMMENTS:**

The bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. The bill simply creates the trust fund with appropriations to the trust fund dependent upon legislative action.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**