

**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.)

Prepared By: The Professional Staff of the Finance and Tax Committee

BILL: CS/SB 2458

INTRODUCER: Commerce Committee and Senator Posey

SUBJECT: Trust Funds/Space Florida

DATE: April 10, 2008                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pugh</u>	<u>Cooper</u>	<u>CM</u>	<b>Fav/CS</b>
2.	<u>Fournier</u>	<u>Johansen</u>	<u>FT</u>	<b>Favorable</b>
3.	_____	_____	<u>TA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 2458 creates the Space and Aerospace Development Infrastructure Enhancement Fund (fund) within the Office of Tourism, Trade, and Economic Development (OTTED).

Any money remaining in the fund at the end of each fiscal year will not revert to the state's General Revenue Fund.

The fund will terminate on July 1, 2012, unless it is reviewed and reenacted by the Legislature, pursuant to the process in s. 215.3206(1) and (2), F.S.

CS/SB 2458 creates s. 288.1087, F.S.

**II. Present Situation:**

Section 19(f), Article III of the State Constitution requires that every trust fund be created or recreated by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The constitution also provides that all newly

created trust funds terminate not more than 4 years after the initial creation unless re-created, unless they meet the specific requirements of section 19(f)(3), Article III of the State Constitution. Section 215.3206, F.S., explains the legislative process for reviewing trust funds scheduled for termination within 12 months, reenacting them, or transferring any leftover funds in a terminated trust fund.

### III. Effect of Proposed Changes:

Section 1 creates subsection (9) of s. 288.1087, F.S., the Space and Aerospace Development Infrastructure Enhancement (SADIE) Fund. The fund will be created within OTTED.

Notwithstanding, s. 216.301, F.S.,<sup>1</sup> and pursuant to s. 216.351, F.S.,<sup>2</sup> any unexpended balance in the fund will not revert to the General Fund at the end of a fiscal year, but shall remain available to OTTED and Space Florida for future projects.

Section 2 states that pursuant to the provisions of section 19(f), Article III of the State Constitution, the fund shall, unless terminated earlier, terminate on July 1, 2012. Before its scheduled termination, the fund shall be reviewed by the Legislature as provided by statute, no less than 12 months before its expiration date.

Section 3 provides a contingent effective date of July 1, 2008, if SB 2426 or similar legislation is adopted in the same legislative session or during any special session in 2008, and becomes 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.

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<sup>1</sup> Section 216.301, F.S., which requires reversions of undisbursed balances in trust funds at the end of each fiscal year.

<sup>2</sup> Actually, the correct reference should be to section 216.351, F.S., which provides that subsequent laws may supersede the requirements of ch. 216, F.S., only if they reference this section.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

CS/SB 2458 does not specify an appropriation for the fund. However, its companion, CS/SB 2426, includes a \$15 million appropriation from nonrecurring general revenue.

**VI. Technical Deficiencies:**

CS/SB 2458 has two technical deficiencies, due in large part to a strike-all amendment adopted by the Commerce Committee for the companion bill, CS/SB 2426. The program's name has changed from the Space and Aerospace Development Enhancement Infrastructure Fund to the Space and Aerospace Catalyst and Enhancement program, and its purpose has been broadened to include more than space-related infrastructure.

**VII. Related Issues:**

The Space and Aerospace Development Enhancement Infrastructure Fund Trust is no longer needed, because any state funds for the program created within its companion bill, CS/SB 2426, will be deposited into the Economic Development Trust Fund within the Governor's Office of Tourism, Trade and Economic Development.

**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 the Commerce Committee on April 1, 2008:**

- i. Corrects a typographical error in the body of the bill that referenced a nonexistent statute, s. 216.315, F.S. The correct reference is s. 216.351, F.S.
- ii. Amended the contingent effective date to insert the number of the companion bill, SB 2426.

**B. Amendments:**

None.