

Transportation & Economic Development Appropriations Subcommittee

**Tuesday, March 29, 2011
9:30 AM - 11:00 AM
Reed Hall**

Meeting Packet

**Dean Cannon
Speaker**

**Mike Horner
Chair**



The Florida House of Representatives
Appropriations Committee
Transportation & Economic Development Appropriations Subcommittee

Dean Cannon
Speaker

Mike Horner
Chair

March 29, 2011

AGENDA
9:30 AM – 11:00 AM
Reed Hall

- I. Call to Order/Roll Call**
- II. Consideration of Bills**
 - HB 431 Driver's Licenses and Identification Cards**
 - HB 535 Hurricane Loss Mitigation Program**
 - HB 1165 Driver's Licenses and Identification Cards**
- III. Workshop on HB 1155 Transportation Funding**
- IV. Adjourn**

HB 431

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 431 Driver's Licenses and Identification Cards

SPONSOR(S): Sands and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 904

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Brown	Brown
2) Transportation & Economic Development Appropriations Subcommittee		Rayman <i>SK</i>	Davis <i>GD</i>
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 431 creates a new \$1 checkoff on driver license applications for the Disabled American Veterans. Specifically, the bill amends s. 322.08, F.S., to require driver license applications and renewals to include a \$1 voluntary contribution to Disabled American Veterans, Department of Florida, a non-profit 501(c)(3) organization.

The Department of Highway Safety and Motor Vehicles has certified that Disabled American Veterans, Department of Florida, has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

The bill has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill amends s. 320.08, F.S., to require driver license applications and renewals to include a \$1 check-off to the Disabled American Veterans, Department of Florida, a non-profit 501(c)(3) organization.

The Department of Highway Safety and Motor Vehicles (DHSMV) has provided notice that Disabled American Veterans, Department of Florida, has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

About Driver License Check-Offs

Section 322.081, F.S., provides the procedures an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on the driver's license application. Before the organization is eligible it must submit the following to DHSMV:¹

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. (State funds may not be used to pay the application fee.)
- Short- and long-term marketing strategies and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues received.

Once a contribution is enacted, DHSMV must discontinue it if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.²

Prior to the 2010 legislative session, s. 322.08, F.S., authorized seven voluntary contributions while s. 322.18(19), F.S., authorized an eighth. In 2010, the Florida Legislature enacted three bills that addressed driver license contributions:

- 2010 HB 971 (ch. 2010-223, Laws of Florida) added two additional checkoffs for the League Against Cancer and the State Homes for Veterans Trust Fund administered by the Florida Department of Veterans Affairs.
- 2010 HB 399 (ch. 2010-86, Laws of Florida) added three additional checkoffs for Senior Vision Services, The Arc of Florida, and Ronald McDonald House Charities of Tampa Bay.
- 2010 HB 263 (ch. 2010-82, Laws of Florida) added an additional checkoff for Lauren's Kids, Inc.³

In addition to creating the League Against Cancer and State Homes for Veterans check offs, ch. 2010-223, Laws of Florida established a moratorium on new voluntary check offs. DHSMV "may not establish any new voluntary contributions on the motor vehicle registration application form under s. 320.023, Florida Statutes, or the driver's license application form under s. 322.081, Florida Statutes, between July 1, 2010, and July 1, 2013."

¹ These items must be delivered at least 90 days before the convening of the regular session of the Legislature.

² Section 322.081(4)(a), F.S.

³ In addition to creating the checkoff for Lauren's Kids, Inc., ch. 2010-82, Laws of Florida, streamlined the application process by eliminating s. 322.18(19), F.S., and clarifying that the checkoffs required in s. 322.08(7), F.S., must appear on all license applications, including applications for renewal or replacement. This change reflects the fact that DHSMV uses a single application form for all such purposes.

An exemption to the moratorium in ch. 2010-223, Laws of Florida, allows those charities that were in the process of complying with s. 322.081, F.S., in 2010 to continue to seek a check-off. DHSMV has identified five charitable organizations that fall within the exemption from the moratorium. Disabled American Veterans, Department of Florida is one of these charities.⁴

B. SECTION DIRECTORY:

Section 1 Amends s. 322.08, F.S., adding a voluntary contribution to Disabled American Veterans, Department of Florida, to drivers' license applications.

Section 2 Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will require programming modifications to DHSMV's Driver License and Motor Vehicle Information Systems, the cost of which will be paid from the \$10,000 application fee submitted by the Disabled American Veterans, Department of Florida.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists who decide to donate would pay an additional dollar for vehicle registrations and drivers' licenses.

D. FISCAL COMMENTS:

There will be minimal operational impact on Tax Collectors to collect this revenue.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

⁴ Letter from DHSMV Executive Director Julie L. Jones to the Florida House of Representatives, Transportation and Highway Safety Subcommittee, January 19, 2011. This letter is on file with the subcommittee.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to driver's licenses and identification
 3 cards; amending s. 322.08, F.S.; requiring the application
 4 form for an original, renewal, or replacement driver's
 5 license or identification card shall include an option to
 6 make a voluntary contribution to Disabled American
 7 Veterans, Department of Florida; providing that such
 8 contributions are not income of a revenue nature;
 9 providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(7) The application form for an original, renewal, or replacement driver's license or identification card shall include language permitting the following:

(a) A voluntary contribution of \$1 per applicant, which contribution shall be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(b) A voluntary contribution of \$1 per applicant, which contribution shall be distributed to the Florida Council of the Blind.

(c) A voluntary contribution of \$2 per applicant, which shall be distributed to the Hearing Research Institute,

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29 Incorporated.

30 (d) A voluntary contribution of \$1 per applicant, which
 31 shall be distributed to the Juvenile Diabetes Foundation
 32 International.

33 (e) A voluntary contribution of \$1 per applicant, which
 34 shall be distributed to the Children's Hearing Help Fund.

35 (f) A voluntary contribution of \$1 per applicant, which
 36 shall be distributed to Family First, a nonprofit organization.

37 (g) A voluntary contribution of \$1 per applicant to Stop
 38 Heart Disease, which shall be distributed to the Florida Heart
 39 Research Institute, a nonprofit organization.

40 (h) A voluntary contribution of \$1 per applicant to Senior
 41 Vision Services, which shall be distributed to the Florida
 42 Association of Agencies Serving the Blind, Inc., a not-for-
 43 profit organization.

44 (i) A voluntary contribution of \$1 per applicant for
 45 services for persons with developmental disabilities, which
 46 shall be distributed to The Arc of Florida.

47 (j) A voluntary contribution of \$1 to the Ronald McDonald
 48 House, which shall be distributed each month to Ronald McDonald
 49 House Charities of Tampa Bay, Inc.

50 (k) Notwithstanding s. 322.081, a voluntary contribution
 51 of \$1 per applicant, which shall be distributed to the League
 52 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 53 organization.

54 (l) A voluntary contribution of \$1 per applicant to
 55 Prevent Child Sexual Abuse, which shall be distributed to
 56 Lauren's Kids, Inc., a nonprofit organization.

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57 (m) A voluntary contribution of \$1 per applicant, which
 58 shall be distributed to Prevent Blindness Florida, a not-for-
 59 profit organization, to prevent blindness and preserve the sight
 60 of the residents of this state.

61 (n) Notwithstanding s. 322.081, a voluntary contribution
 62 of \$1 per applicant to the state homes for veterans, to be
 63 distributed on a quarterly basis by the department to the State
 64 Homes for Veterans Trust Fund, which is administered by the
 65 Department of Veterans' Affairs.



66 (o) A voluntary contribution of \$1 per applicant to the
 67 Disabled American Veterans, Department of Florida, which shall
 68 be distributed quarterly to Disabled American Veterans,
 69 Department of Florida, a nonprofit organization.

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 71 A statement providing an explanation of the purpose of the trust
 72 funds shall also be included. For the purpose of applying the
 73 service charge provided in s. 215.20, contributions received
 74 under paragraphs (b)-(o) ~~(b)-(n)~~ are not income of a revenue
 75 nature.

76 Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 535 Hurricane Loss Mitigation Program
SPONSOR(S): Frishe and others
TIED BILLS: IDEN./SIM. BILLS: SB 510

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	12 Y, 0 N	Duncan	Hoagland
2) Transportation & Economic Development Appropriations Subcommittee		 Fennell	Davis 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

In 1993, the Legislature created the Florida Hurricane Catastrophe Fund (FHCF), tax-exempt trust fund, in response to the problems that developed in the residential property insurance industry following property losses incurred as a result of catastrophic events, including Hurricane Andrew in 1992. When the Internal Revenue Service issued a private letter ruling granting tax-exempt status to the FHCF, it required a certain amount of FHCF funds to be appropriated for hurricane mitigation purposes.

Since fiscal year 1997-98 and annually thereafter, the Legislature is required to appropriate from the investment income of the FHCF no less than \$10 million and no more than 35 percent of the investment income from the prior fiscal year for the purpose of providing funding for state agencies, local governments, educational institutions, and nonprofit organizations to support programs intended to:

- Improve hurricane preparedness, reduce potential losses in the event of a hurricane;
- Provide research into means to reduce such losses;
- Assist the public in determining the appropriateness of upgrades to structures; or
- Protect local infrastructure from potential damage from a hurricane.

In 1999, the Legislature created the Hurricane Loss Mitigation Program (HLMP) within the Department of Community Affairs (DCA), funded by the annual appropriation of \$10 million from the FHCF. The purpose of the HLMP is to fund programs for improving the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance. It also funds cooperative programs with local governments and the federal government designed to reduce hurricane losses or the costs of rebuilding after a disaster. The HLMP expires on June 30, 2011.

The bill extends the Hurricane Loss Mitigation Program repeal date to June 30, 2021 and deletes an obsolete provision.

This bill has no fiscal impact on the General Revenue fund. Annually, \$10 million is appropriated from the Florida Hurricane Catastrophe Fund to the Hurricane Loss Mitigation Program. Should this bill become law, these funds would continue to be appropriated until June 30, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 1993,¹ the Legislature created the Florida Hurricane Catastrophe Fund (FHCF), a tax-exempt trust fund, in response to the problems that developed in the residential property insurance industry following property losses incurred as a result of catastrophic events, including Hurricane Andrew in 1992.² It was determined that state action was required to correct the inability of the private sector insurance and reinsurance market to maintain sufficient capacity to enable residents of the state to obtain property insurance coverage in the private sector.³ The program is intended to provide a stable and ongoing source of reimbursement to insurers for a portion of their catastrophic hurricane losses in order to provide additional insurance capacity for the state.⁴ The FHCF is administered by the State Board of Administration, which is governed by a 3-member Board of Trustees, comprised of the Governor as Chairman, the Chief Financial Officer as Treasurer, and the Attorney General as Secretary.⁵

When the Internal Revenue Service issued a private letter ruling⁶ granting tax-exempt status to the FHCF, it required a certain amount of FHCF funds to be appropriated for hurricane mitigation purposes.⁷ Beginning in fiscal year (FY) 1997-98 and annually thereafter, the Legislature is required to appropriate from the investment income of the FHCF no less than \$10 million and no more than 35 percent of the investment income from the prior fiscal year for the purpose of providing funding for state agencies, local governments, educational institutions, and nonprofit organizations to support programs intended to:

- Improve hurricane preparedness, reduce potential losses in the event of a hurricane;
- Provide research into means to reduce such losses;
- Assist the public in determining the appropriateness of upgrades to structures; or
- Protect local infrastructure from potential damage from a hurricane.⁸

In 1999,⁹ the Legislature created the Hurricane Loss Mitigation Program (HLMP) within the Department of Community Affairs (DCA), funded by the annual appropriation of \$10 million from the FHCF. The purpose of the HLMP is to fund programs for improving the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance. It also funds cooperative programs with local governments and the federal government designed to reduce hurricane losses or the costs of rebuilding after a disaster. Specifically, current law requires the funds to be used as follows:

- Three million dollars (\$3 million) must be directed toward retrofitting existing public facilities to enable them to be used as public shelters during a disaster. DCA must prioritize the use of the

¹ Chapter 93-409, L.O.F.

² Section 215.555(1)(a), F.S.

³ Section 215.555(1)(c), F.S.

⁴ Section 215.555(1)(e), F.S.

⁵ Section 215.555(3), F.S., and Article IV, s. 4, Florida Constitution.

⁶ A "private letter ruling," or PLR, is a written statement issued to a taxpayer that interprets and applies tax laws to the taxpayer's specific set of facts. A PLR is issued to establish with certainty the federal tax consequences of a particular transaction before the transaction is consummated or before the taxpayer's return is filed. A PLR is issued in response to a written request submitted by a taxpayer and is binding on the IRS if the taxpayer fully and accurately described the proposed transaction in the request and carries out the transaction as described. Internal Revenue Service, *Understanding IRS Guidance – A Brief Primer*, <http://www.irs.gov/irs/article/0,,id=101102,00.html> (last visited March 14, 2011).

⁷ State Board of Administration of Florida, *Florida Hurricane Catastrophe Fund Fiscal Year 2008-2009 Annual Report*, p. 16, available at <http://www.sbafla.com/fhcf/LinkClick.aspx?fileticket=1xICIFXr4Vg%3d&tabid=315&mid=994>.

⁸ Section 215.555(7)(c), F.S.

⁹ Chapter 99-305, L.O.F.

funds for projects included in the annual Shelter Retrofit Report and give priority to regional planning council areas with shelter deficits and projects that maximize the use of state funds.¹⁰

According to the Division of Emergency Management, since 1995, more than 1,156,750 shelter spaces (statewide) have been created or funded through a combination of retrofitting and the use of enhanced wind design and construction standards in new facilities. However, a shelter deficit of 312,767 spaces (statewide) remains.¹¹

- Seven million dollars (\$7 million) is used to implement the Residential Construction Mitigation Program (RCMP) which must:
 - Improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance.
 - Educate persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government.
 - Prevent or reduce losses or reduce the cost of rebuilding after a disaster.

Of the \$7 million allocated to improve wind resistance and reduce losses after a disaster:

- Forty percent million (\$2.8 million) is directed to the Manufactured Housing and Mobile Home Mitigation and Enhancement Program which is appropriated directly to Tallahassee Community College (TCC).¹²

On or before January 1, TCC is required to submit an annual report of its activities to the Governor, the President of the Senate and the Speaker of the House of Representatives. Specifically, the report must provide the number of homes that have taken advantage of the program, the types of enhancement and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase in the availability of insurance products to owners of manufactured or mobile homes.¹³

In FY 2009-10, seven counties (Pasco, Volusia, Lee, Pinellas, Charlotte, St. Johns, and Manatee) participated in the program and 1,969 manufactured homes in 12 communities were retrofitted with new foundation systems.¹⁴ The report did not state whether there had been an increase in the availability of insurance products to owners of manufactured or mobile homes.¹⁵

- Ten percent (\$700,000) is directed to the Florida International University (FIU) for hurricane research.¹⁶

Research conducted by FIU during FY 2009-10 included: Wind Effects on Photovoltaic Panels Mounted on Residential Roofs; Wind Pressure and Resistance Evaluation for Hip and Ridge Tiles and Attachments; and Combining Experimental and Survey Evidence for Promoting Hurricane Risk Mitigation Efforts and Disaster Preparedness.¹⁷

- The remaining 50 percent (\$3.5 million) is directed to programs developed by DCA with advice from the Residential Construction Mitigation Program (RCMP) Advisory Council.¹⁸

Activities during FY 2009-10 included mitigation upgrades for 104 residences of low-to-moderate income families. Funds from the State Housing Initiatives Partnership (SHIP) Program, Hazard

¹⁰ Section 215.559(2)(b), F.S.

¹¹ Florida Division of Emergency Management, *2010 Shelter Retrofit Report*, Sept. 2010, at p. 24, hand delivered to the Community and Military Affairs Subcommittee. All General Population Hurricane Shelter capacities are calculated based on 20 sq. ft. per evacuee and Persons with Special Needs Hurricane Shelters are calculated on 60 sq. ft. per client. *Id.*

¹² Section 215.559(3), F.S.

¹³ Section 215.559(3)b.4., F.S.

¹⁴ Florida Division of Emergency Management, *Florida Hurricane Loss Mitigation Program 2010 Annual Report*, Dec. 27, 2010, p. 4, hand delivered to the Community and Military Affairs Subcommittee.

¹⁵ *See supra* 13 at p.30.

¹⁶ Section 215.559(4), F.S.

¹⁷ *See supra* note 13 at pp. 11-12.

¹⁸ Section 215.559(5), F.S.

Mitigation Grant Program, Home Investment Partnerships and/or the Community Development Block Grant Program were used to leverage mitigation funds.¹⁹

The Residential Construction Mitigation Program (RCMP) Advisory Council (Council) is responsible for advising DCA in support of the RCMP and makes recommendations for approving applications for program grants to state or regional agencies, local governments, and private organizations. These grants are awarded to help these entities implement projects intended to enhance residential wind mitigation. The Council also annually reviews and approves Florida International University's hurricane research work plan. The Council must consist of:²⁰

- A representative designated by the Chief Financial Officer.
- A representative designated by the Florida Homebuilders Association.
- A representative designated by the Florida Insurance Council.
- A representative designated by the Federation of Manufactured Home Owners.
- A representative designated by the Florida Association of Counties.
- A representative designated by the Florida Manufactured Housing Association.

Annually, DCA must submit a report and accounting of activities under the HLMP as well as an evaluation of the activities. The report must be submitted to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. The Office of Insurance Regulation (OIR) must review the report and make recommendations to the insurance industry as deemed appropriate by the OIR.²¹ The recommendations may be used by insurers for potential discounts or rebates.²²

Below are the Hurricane Loss Mitigation Program Activities for FY 2010-11:

Hurricane Loss Mitigation Program Activities for Fiscal Year 2010-11²³	
Shelter Retrofit Program	\$3,000,000
Residential Construction Mitigation Program	\$822,176
Mitigation Planning	\$318,719
Public Outreach	\$297,972
Manufactured Homes	\$2,800,000
Hurricane Mitigation Research	\$700,000
TOTAL	\$7,938,867

The Hurricane Loss Mitigation Program expires on June 30, 2011.²⁴

Effect of the Proposed Changes

The bill extends the Hurricane Loss Mitigation Program repeal date to June 30, 2021. The bill also deletes an obsolete provision which authorized, for FY 2010-11, the \$3 million public shelter funds to also be used for hurricane shelter projects specifically identified in the General Appropriations Act.²⁵

B. SECTION DIRECTORY:

Section 1: Amends s. 215.559(8) and (9), F.S., deleting an obsolete provision and extends the repeal date of the Hurricane Loss Mitigation Program to June 30, 2021.

Section 2: Provides an effective date of July 1, 2011.

¹⁹ See *supra* note 13 at p. 8.

²⁰ Section 215.559(5), F.S.

²¹ Section 215.559(7), F.S.

²² *Id.* See s. 627.0629, F.S.

²³ See *supra* note 13 at pp. 28-29. Additional projects will be awarded through the RFP process and have yet to be allocated. *Id.*

²⁴ Section 215.559(9), F.S.

²⁵ Section 215.559(8)(a), F.S., specific appropriations 1617 and 1615A, ch. 2010-152, L.O.F.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Annually, \$10 million is appropriated from the Florida Hurricane Catastrophe Fund to the Hurricane Loss Mitigation Program. Should this bill become law, these funds would continue to be appropriated until June 30, 2021.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that research and program activities conducted through the Hurricane Loss Mitigation Program strengthen structures, educate the public, and reduce property losses, the public and private sector will benefit.

D. FISCAL COMMENTS:

See FISCAL IMPACT ON STATE GOVERNMENT.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Should the mitigation program and funding for mitigation purposes be repealed, the tax-exempt status of the FHCF could be in jeopardy.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to the Hurricane Loss Mitigation Program;
amending s. 215.559, F.S.; extending the repeal date of
the program; deleting an obsolete provision relating to
the use of funds for programs to retrofit certain existing
facilities; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (8) and (9) of section 215.559,
Florida Statutes, are amended to read:

215.559 Hurricane Loss Mitigation Program. -

~~(8) (a) Notwithstanding any other provision of this section
and for the 2010-2011 fiscal year only, the \$3 million
appropriation provided for in paragraph (2) (b) may be used for
hurricane shelters as identified in the General Appropriations
Act.~~

~~(b) This subsection expires June 30, 2011.~~



(8) (9) This section is repealed June 30, 2021 ~~2011~~.

Section 2. This act shall take effect July 1, 2011.

HB 1165

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1165 Driver's Licenses and Identification Cards
SPONSOR(S): Holder
TIED BILLS: IDEN./SIM. BILLS: SB 1190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	15 Y, 0 N	Brown	Brown
2) Transportation & Economic Development Appropriations Subcommittee		Rayman 	Davis 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 1165 amends s. 322.14, F.S. and s. 322.051, F.S., to permit a veteran to request a capital "V" on a driver license or identification card, respectively.

The bill requires a veteran to present proof of military service and pay an additional \$1 fee to the Department of Highway Safety and Motor Vehicles in order to receive the capital "V" on his or her driver license or identification card.

The bill does not have a fiscal impact on local or state government.

The bill has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Sections 322.051 and 322.08, F.S., provide requirements for the issuance of an identification card or driver's license. An applicant must submit the following proof of identity:

- 1) Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description;
- 2) Proof of birth date satisfactory to the department; and
- 3) Proof of identity satisfactory to DHSMV. Such proof must include one of the following documents issued to the applicant:
 - a) A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraphs b. through g., below;
 - b) A certified copy of a United States birth certificate;
 - c) A valid, unexpired United States passport;
 - d) A naturalization certificate issued by the United States Department of Homeland Security;
 - e) A valid, unexpired alien registration receipt card (green card);
 - f) A Consular Report of Birth Abroad provided by the United States Department of State;
 - g) An unexpired employment authorization card issued by the United States Department of Homeland Security; or
 - h) Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:
 - A notice of hearing from an immigration court scheduling a hearing on any proceeding.
 - A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.
 - Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.
 - Any official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.
 - Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.
 - Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.
 - Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.
 - On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

The resulting driver license must contain a color photograph of the licensee, the name of the state, a unique identification number, and the licensee's full name, date of birth, and residence address.¹

¹ Section 322.14, F.S.

Proposed Changes

HB 1165 amends s. 322.14, F.S., to permit a veteran to request a capital "V" on his or her driver license. The bill amends s. 322.051, F.S., to permit a veteran to request a capital "V" on his or her identification card.

In order to receive a capital "V" on either of these documents, the bill requires a veteran to present his or her DD Form 214 (a "Certificate of Release or Discharge from Active Duty," promulgated by the United States Department of Defense) to DHSMV, along with an additional \$1 fee.

B. SECTION DIRECTORY:

- Section 1 Amends s. 322.14, F.S., relating to the issuance of a driver license.
- Section 2 Amends s. 322.051, F.S., relating to the issuance of an identification card.
- Section 3 Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
See "Fiscal Comments," below.
- 2. Expenditures:
See "Fiscal Comments," below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Veterans who desire a capital "V" on their driver license or identification card will be charged an additional \$1 fee.

D. FISCAL COMMENTS:

The Department of Highway Safety and Motor Vehicles believes that additional \$1 fee will offset additional administrative costs related to reviewing an applicant's documents and creating a driver license or identification card with a capital "V" denoting veteran status.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

- 1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None..

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to driver's licenses and identification
 3 cards; amending ss. 322.14 and 322.051, F.S.; providing
 4 for a person's status as a veteran to be indicated on his
 5 or her driver's license or identification card upon
 6 payment of an additional fee and presentation of the
 7 person's Form DD 214; providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Section 322.14, Florida Statutes, is amended to
 12 read:

13 322.14 Licenses issued to drivers.—

14 (1)(a) The department shall, upon successful completion of
 15 all required examinations and payment of the required fee, issue
 16 to every applicant qualifying therefor, a driver's license as
 17 applied for, which license shall bear thereon a color photograph
 18 or digital image of the licensee; the name of the state; a
 19 distinguishing number assigned to the licensee; and the
 20 licensee's full name, date of birth, and residence address; a
 21 brief description of the licensee, including, but not limited
 22 to, the licensee's gender and height; and the dates of issuance
 23 and expiration of the license. A space shall be provided upon
 24 which the licensee shall affix his or her usual signature. No
 25 license shall be valid until it has been so signed by the
 26 licensee except that the signature of said licensee shall not be
 27 required if it appears thereon in facsimile or if the licensee
 28 is not present within the state at the time of issuance.

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29 Applicants qualifying to receive a Class A, Class B, or Class C
 30 driver's license must appear in person within the state for
 31 issuance of a color photographic or digital imaged driver's
 32 license pursuant to s. 322.142.

33 (b) In addition to the requirements of paragraph (a), each
 34 license must exhibit the class of vehicle which the licensee is
 35 authorized to operate and any applicable endorsements or
 36 restrictions. If the license is a commercial driver's license,
 37 such fact must be exhibited thereon.

38 (c) A capital "V" shall be exhibited on the driver's
 39 license of a veteran upon the payment of an additional \$1 fee
 40 for the license and the presentation of a copy of the person's
 41 DD Form 214, issued by the United States Department of Veterans
 42 Affairs.

43 (2) The department may require other pertinent information
 44 to be exhibited on a driver's license.

45 Section 2. Subsection (8) of section 322.051, Florida
 46 Statutes, is amended to read:

47 322.051 Identification cards.—

48 (8)(a) The department shall, upon receipt of the required
 49 fee, issue to each qualified applicant for an identification
 50 card a color photographic or digital image identification card
 51 bearing a fullface photograph or digital image of the
 52 identification cardholder. Notwithstanding chapter 761 or s.
 53 761.05, the requirement for a fullface photograph or digital
 54 image of the identification cardholder may not be waived. A
 55 space shall be provided upon which the identification cardholder
 56 shall affix his or her usual signature, as required in s.

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57 | 322.14, in the presence of an authorized agent of the department
 58 | so as to ensure that such signature becomes a part of the
 59 | identification card.

60 | (b) A capital "V" shall be exhibited on the identification
 61 | card of a veteran upon the payment of an additional \$1 fee for
 62 | the license and the presentation of a copy of the person's DD
 63 | Form 214, issued by the United States Department of Veterans
 64 | Affairs.

65 | Section 3. This act shall take effect July 1, 2011.

1 A bill to be entitled
 2 An act relating to transportation project funding;
 3 redirecting funds in the State Transportation Trust Fund
 4 and portions of amounts contracted for construction
 5 projects of the Department of Transportation to be used
 6 for prioritized projects; amending s. 212.0606, F.S.,
 7 relating to a rental car surcharge; revising the use of
 8 allocated proceeds; amending s. 334.044, F.S., relating to
 9 powers and duties of the department; revising the
 10 allocation of a certain percentage amount of contracted
 11 funds; directing unused portions of such funds be
 12 reallocated; amending s. 339.135, F.S., relating to the
 13 department's adopted work program; providing for certain
 14 unencumbered and available funds remaining in the adopted
 15 work program due to certain cost savings be reallocated;
 16 amending s. 339.55, F.S., relating to the state-funded
 17 infrastructure bank; directing the department to deposit
 18 certain funds into the bank; providing a contingent
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (2) of section 212.0606, Florida
 24 Statutes, is amended to read:

25 212.0606 Rental car surcharge.—

26 (2)(a) Notwithstanding the provisions of section 212.20,
 27 and less costs of administration, 80 percent of the proceeds of
 28 this surcharge shall be deposited in the State Transportation

29 Trust Fund, 15.75 percent of the proceeds of this surcharge
 30 shall be deposited in the Tourism Promotional Trust Fund created
 31 in s. 288.122, and 4.25 percent of the proceeds of this
 32 surcharge shall be deposited in the Florida International Trade
 33 and Promotion Trust Fund. For the purposes of this subsection,
 34 "proceeds" of the surcharge means all funds collected and
 35 received by the department under this section, including
 36 interest and penalties on delinquent surcharges. The department
 37 shall provide the Department of Transportation rental car
 38 surcharge revenue information for the previous state fiscal year
 39 by September 1 of each year.

40 (b) Notwithstanding any other provision of law, ~~in fiscal~~
 41 ~~year 2007-2008 and each year thereafter,~~ the proceeds deposited
 42 in the State Transportation Trust Fund shall be allocated on an
 43 annual basis in the Department of Transportation's work program
 44 to each department district, except the Turnpike District. The
 45 amount allocated for each district shall be based upon the
 46 amount of proceeds attributed to the counties within each
 47 respective district.

48 (c) Notwithstanding any other provision of law, in fiscal
 49 year 2016-2017 and each year thereafter, the funds allocated to
 50 the districts under paragraph (b) shall be cumulatively applied
 51 by the district secretary to fund the prioritized list of
 52 projects within the district as identified by the Trade
 53 Infrastructure Steering Committee.

54 Section 2. Subsection (26) of section 334.044, Florida
 55 Statutes, is amended to read:

56 334.044 Department; powers and duties.—The department

57 shall have the following general powers and duties:

58 (26) To fund projects pursuant to this paragraph. No less
 59 than 1.5 percent of the amount contracted for construction
 60 projects shall be allocated by the department as follows:

61 (a) One percent shall be allocated to help fund priority
 62 projects identified by the Trade Infrastructure Investment
 63 Steering Committee pursuant to s. 340.101.

64 (b) One-half of one percent shall be allocated to provide
 65 for the enhancement of environmental benefits, including air and
 66 water quality; to prevent roadside erosion; to conserve the
 67 natural roadside growth and scenery; and to provide for the
 68 implementation and maintenance of roadside conservation,
 69 enhancement, and stabilization programs. The department shall
 70 allocate this amount ~~No less than 1.5 percent of the amount~~
 71 ~~contracted for construction projects shall be allocated by the~~
 72 ~~department~~ for the purchase of plant materials, with, to the
 73 greatest extent practical, a minimum of 50 percent of these
 74 funds for large plant materials and the remaining funds for
 75 other plant materials. All such plant materials shall be
 76 purchased from Florida commercial nursery stock in this state on
 77 a uniform competitive bid basis. The department will develop
 78 grades and standards for landscaping materials purchased through
 79 this process. To accomplish these activities, the department
 80 may contract with nonprofit organizations having the primary
 81 purpose of developing youth employment opportunities. Any
 82 unencumbered funds allocated pursuant to this paragraph on
 83 January 1 or June 30 of each fiscal year shall be reallocated
 84 for the purposes described in paragraph (a).

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85 Section 3. Paragraph (j) is added to subsection (7) of
 86 section 339.135, Florida Statutes, to read:

87 339.135 Work program; legislative budget request;
 88 definitions; preparation, adoption, execution, and amendment.—

89 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

90 (j) Notwithstanding any other provision of law, the
 91 portion of unencumbered and available funds remaining in the
 92 adopted work program due to cost savings on project procurement
 93 when the bid or negotiated amount is lower than the department's
 94 estimate for the project shall be made available for priority
 95 projects identified by the Trade Infrastructure Investment
 96 Steering Committee pursuant to s. 340.101; however, this shall
 97 not reallocate funds for uses outside the public transportation
 98 program that were previously allocated for a public
 99 transportation program in accordance with s. 206.46(3). The
 100 department shall review the cost savings from project
 101 procurements at the end of each quarter of the fiscal year to
 102 determine the availability of any funds generated by these cost
 103 savings. The department shall amend the work program to transfer
 104 at least 60 percent of such funds each year for priority
 105 projects identified pursuant to s. 340.101, provided the use of
 106 the funds under s. 340.101 must be in accordance with any
 107 limitations on the source of the funds as required by existing
 108 law.

109 Section 4. Subsection (11) is added to section 339.55,
 110 Florida Statutes, to read:

111 339.55 State-funded infrastructure bank.—

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112 (11) The department shall deposit no less than \$20 million
 113 annually, in addition to scheduled project repayments from the
 114 State Transportation Trust Fund, into the State Infrastructure
 115 Bank beginning in fiscal year 2013-2014. The department shall
 116 make this deposit in fiscal years 2011-2012 and 2012-2013 if the
 117 revenue estimates from the Consensus Revenue Estimating
 118 Conference increase the revenue estimate for the State
 119 Transportation Trust Fund when compared to the prior revenue
 120 estimate.

121 Section 5. This act shall take effect July 1, 2011, if
 122 House Bill 1153 or substantially similar legislation is adopted
 123 in the same legislative session or an extension thereof and
 124 becomes law.