



Transportation & Highway Safety Subcommittee

**Tuesday, February 22, 2011
1:30 PM - 4:00 PM
306 HOB**

**Dean Cannon
Speaker**

**Brad Drake
Chair**

Committee Meeting Notice
HOUSE OF REPRESENTATIVES

Transportation & Highway Safety Subcommittee

Start Date and Time: Tuesday, February 22, 2011 01:30 pm

End Date and Time: Tuesday, February 22, 2011 04:00 pm

Location: 306 HOB

Duration: 2.50 hrs

Consideration of the following bill(s):

HB 501 Choose Life License Plates by Baxley
HB 4077 Transportation Corridors by Dorworth

Workshop on Seaport Security

NOTICE FINALIZED on 02/15/2011 16:16 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 501 Choose Life License Plates

SPONSOR(S): Baxley

TIED BILLS: IDEN./SIM. BILLS: SB 196

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Brown <i>DLB</i>	Brown <i>DLB</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 501 amends statutory provisions regarding annual use fees collected by the sale of the "Choose Life" specialty license plate.

Currently, funds collected from the sale of each plate are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to the county in which the plate was sold. The county is required to identify non-governmental, not-for-profit entities that provide adoption and healthcare services to area residents, and distribute the "Choose Life" license plate funds to those entities. However, not all counties have been able to find statutorily-compliant entities to which they can distribute these funds.

The bill provides that annual use fees from the sale of "Choose Life" specialty license plates is to be distributed directly from DHSMV to Choose Life, Inc., a Florida non-profit corporation. Choose Life, Inc., becomes the entity responsible for identifying eligible recipients and distributing funds to those recipients. The bill also modifies the permitted uses of such funds to allow expenditures related to the mother of a child intended to be placed for adoption for up to 60 days after the birth of the child.

The bill allows Choose Life, Inc., to spend up to 20 percent of the funds collected by sales of the specialty license plate on administration and promotion of the plate.

HB 501 does not appear to have a significant fiscal impact to state or local government. The bill has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 320.08058(29), F.S., requires the Department of Highway Safety and Motor Vehicles (DHSMV) to make available a "Choose Life" specialty license plate. Motor vehicle owners who wish to purchase this plate must pay an additional \$20 in annual use fees.¹ The statute provides that the annual use fees generated by the specialty license plate must be distributed annually to each county, "in the ratio that the annual use fees collected by each county bears [sic] to the total fees collected for the plates" throughout the state. The practical result of this method of fee distribution is that each county should receive the revenue generated by "Choose Life" specialty license plates sold in that county. DHSMV reports that in fiscal year 2009-2010, sales of Choose Life specialty license plates generated \$751,580 statewide.²

The statute subsequently requires each county to distribute the fees to nongovernmental, not-for-profit agencies within the county that meet certain requirements in the license plate statute. The services provided by recipient private agencies must be limited to "counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption." The statute provides that funds may not be distributed to private agencies that are "involved or associated with abortion activities," nor to any agency that charges women for any services.

Section 320.08058(29)(b)1., F.S., further limits the use of funds received by these private non-profit agencies. At least 70 percent of the funds must provide for the "material needs" of pregnant women committed to placing their child up for adoption. This expressly includes clothing, housing, medical care, food, utilities, and transportation. The funds may also be expended on infants awaiting placement with adoptive parents. The remaining 30 percent of the funds received may be used for "adoption, counseling, training, or advertising," but may not be used for administrative expenses, legal expenses, or capital expenditures. The statute does not make any provision for administrative costs or marketing of the specialty license plate.

In order to assure compliance with the statute, private recipients of the fees must submit an annual attestation to the county. Unused fees that exceed 10 percent of the total received during a fiscal year must be returned to the county, which may then distribute the fees to "other qualified agencies."

A recent report by the Department's Office of Inspector General (OIG) addressed concerns with certain specialty license plates, including the Choose Life plate. According to this report, some counties are unable to find or establish private entities qualified to receive funds pursuant to the existing statute.³ The OIG report states that DHSMV is currently holding approximately \$300,000 collected by the Choose Life plate.⁴ The report suggests that legislative changes may be advisable, in order to ensure distribution of revenues that are currently unallocated.⁵

¹ Section 320.08056(4)(cc), F.S.

² Department of Highway Safety and Motor Vehicles, *Revenue Report: July 2009 through June 2010*, June 2010. Available online at: <http://www.flhsmv.gov/html/revpub/RevPubJuly2009June2010.pdf>

³ Department of Highway Safety and Motor Vehicles Office of Inspector General, *Specialty License Plates Advisory Memorandum 201011-02*, October 12, 2010.

⁴ *Id.*

⁵ *Id.*

Proposed Changes

HB 501 amends 320.08058, F.S., to provide that funds generated by the sale of the Choose Life specialty license plate are to be distributed from DHSMV directly to Choose Life, Inc., instead of the counties. DHSMV must report the sales-per-county figure to Choose Life, Inc., for informational purposes.

The bill makes modifications to the permitted uses of funds collected from sales of the plate. Choose Life, Inc., must distribute the funds to non-governmental not-for-profit agencies that "assist pregnant women who are making an adoption plan for their children." The "70 percent" requirement is removed (but see below regarding administrative fees), and the bill expands the express uses of the funds to include providing for birth mothers for 60 days after delivery in addition to providing for infants awaiting adoption.

The bill states that a maximum of 20 percent of the total funds received annually may be used by Choose Life, Inc., for the administration and promotion of the Choose Life specialty license plate program.

Private agencies receiving funds from sales of the "Choose Life" specialty license plate must provide annual attestations to Choose Life, Inc., instead of the county. As is currently the case, if 10 percent of the total revenue received during a fiscal year goes unspent, it must be returned to Choose Life, Inc., which may then re-distribute the revenue to other qualified agencies.

The bill has an effective date of July 1, 2011, and provides that DHSMV and each county must transfer all currently held Choose Life specialty license plate funds to Choose Life, Inc., by October 1, 2011.

B. SECTION DIRECTORY:

Section 1 Amends s. 2 320.08058, F.S.; providing for Choose Life annual use fees to be distributed to Choose Life, Inc., rather than counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; and authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program.

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:

Administrative expenses of DHSMV may be slightly reduced if the Choose Life specialty license plate fees are directed entirely to a single recipient. Under the bill, DHSMV would no longer be required to manage those fees which are unable to be distributed pursuant to current law.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Local governments would no longer be required to identify local agencies to provide adoption services, and as a result could potentially reduce administrative costs.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motor vehicle owners who choose this specialty license plate will continue to pay \$20 in additional fees. Choose Life, Inc., will receive fees in lieu of multiple counties; as a result, local private agencies could be impacted by Choose Life, Inc.'s decisions regarding the disbursement of annual use fees.

D. FISCAL COMMENTS:

None.

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:

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 Choose Life license plates; amending s.
 3 320.08058, F.S.; providing for the annual use fees to be
 4 distributed to Choose Life, Inc., rather than the
 5 counties; providing for Choose Life, Inc., to redistribute
 6 a portion of such funds to nongovernmental, not-for-profit
 7 agencies that assist certain pregnant women; authorizing
 8 Choose Life, Inc., to use a portion of the funds to
 9 administer and promote the Choose Life license plate
 10 program; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (29) of section 320.08058, Florida
 15 Statutes, is amended to read:

16 320.08058 Specialty license plates.—

17 (29) CHOOSE LIFE LICENSE PLATES.—

18 (a) The department shall develop a Choose Life license
 19 plate as provided in this section. The word "Florida" must
 20 appear at the bottom of the plate, and the words "Choose Life"
 21 must appear at the top of the plate.

22 (b) The annual use fees shall be distributed annually to
 23 Choose Life, Inc., along with a report that specifies each
 24 ~~county in~~ the ratio that the annual use fees collected by each
 25 county bear ~~bears~~ to the total fees collected for the plates
 26 within the state. Choose Life, Inc., ~~Each county~~ shall
 27 distribute the funds to nongovernmental, not-for-profit agencies
 28 that assist ~~within the county, which agencies' services are~~

29 ~~limited to counseling and meeting the physical needs of~~ pregnant
 30 women who are making an adoption plan for their children
 31 ~~committed to placing their children for adoption.~~ Funds may not
 32 be distributed to any agency that is involved or associated with
 33 abortion activities, including counseling for or referrals to
 34 abortion clinics, providing medical abortion-related procedures,
 35 or proabortion advertising, and funds may not be distributed to
 36 any agency that charges women for services received.

37 1. Agencies that receive the funds must use ~~at least 70~~
 38 ~~percent of~~ the funds to provide for the material needs of
 39 pregnant women who are making an adoption plan for their
 40 children ~~committed to placing their children for adoption,~~
 41 including, but not limited to, clothing, housing, medical care,
 42 food, utilities, and transportation. Such funds may also be
 43 expended on birth mothers for 60 days after delivery and on
 44 infants awaiting placement with adoptive parents.

45 2. ~~The remaining~~ Funds may also be used for adoption-
 46 related adoption, counseling, training, or advertising, but may
 47 not be used for administrative expenses, legal expenses, or
 48 capital expenditures. However, a maximum of 20 percent of the
 49 total funds received annually may be used by Choose Life, Inc.,
 50 for the administration and promotion of the Choose Life license
 51 plate program.

52 3. Each agency that receives such funds must submit an
 53 annual attestation to Choose Life, Inc. ~~the county.~~ Any unused
 54 funds that exceed 10 percent of the funds received by an agency
 55 each ~~during its fiscal~~ year must be returned to Choose Life,
 56 Inc. ~~the county,~~ which shall distribute the funds ~~them~~ to other

HB 501

2011

57 | qualified agencies.

58 | (c) By October 1, 2011, the department and each county
59 | shall transfer all of its Choose Life license plate funds to
60 | Choose Life, Inc.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4077 Transportation Corridors

SPONSOR(S): Dorworth

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>STB</i>	Brown <i>KB</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. Most of these transportation corridors are on the state's Strategic Intermodal System (SIS).

The bill does not have a fiscal impact.

The bill takes effect on July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

Additionally, most of these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. These facilities carry more than 99 percent of all commercial air passengers, virtually all waterborne freight tonnage, almost all rail freight, and more than 68 percent of all truck traffic and 54 percent of total traffic on the State Highway System. The facilities on SIS are designated by the Department of Transportation (DOT) based on criteria provided in ss. 339.61 through 339.64, F.S.¹

Proposed Changes

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors.² As mentioned above, most of the corridors are on DOT's SIS.

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

B. SECTION DIRECTORY:

Section 1 Repeals s. 341.0532, F.S., relating to statewide transportation corridors; removing the definition of "statewide transportation corridors"; removing provisions that specify certain transportation facilities as transportation corridors.

¹ A list of facilities on the SIS may be obtained at <http://www.dot.state.fl.us/planning/sis/atlas/> (January 26, 2011).

² This statute may also be misplaced since ch. 341, F.S., relates to public transit.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4077

2011

1 A bill to be entitled
2 An act relating to transportation corridors; repealing s.
3 341.0532, F.S., relating to statewide transportation
4 corridors; removing the definition of "statewide
5 transportation corridors"; removing provisions that
6 specify certain transportation facilities as statewide
7 transportation corridors; providing an effective date.

8

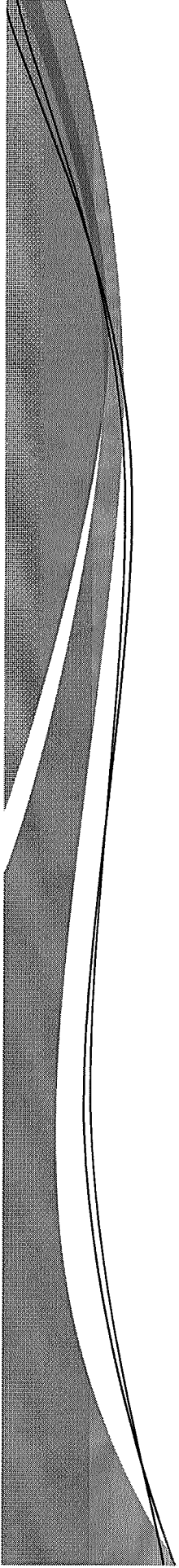
9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Section 341.0532, Florida Statutes, is
12 repealed.

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

**Workshop on
Seaport Security**



Overview of Seaport Security

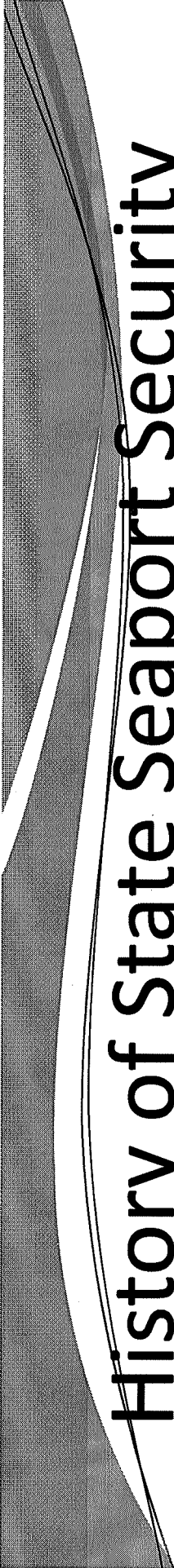
Florida House of Representatives
Transportation & Highway Safety Subcommittee

February 22, 2011



Overview

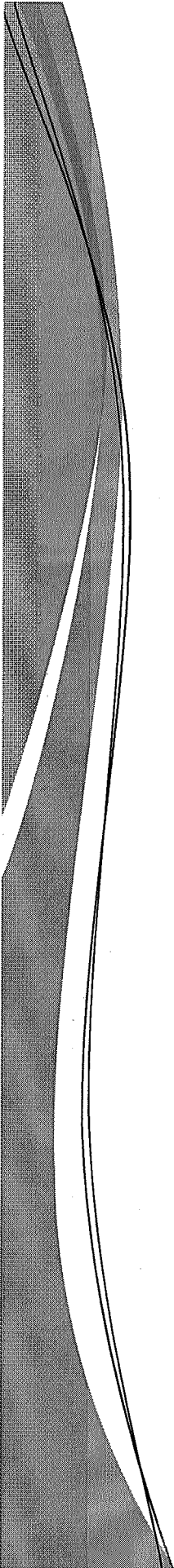
- History of Seaport Security Requirements
- Differences in federal and state security requirements
- Differences in disqualifying offenses



History of State Seaport Security

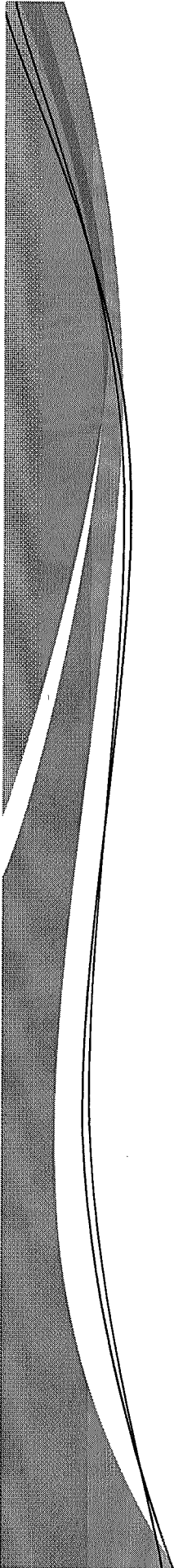
Legislation

- 1999-2000
 - Presiding officers of the Legislature formed a task force that examined issues that included money laundering related to illicit drug traffic.
 - Office of Drug Control-Statewide Security Assessment of Florida Seaports (Camber Report)
 - Fifteenth Statewide Grand Jury analysis of Florida's drug control efforts.



Florida Seaport Security Legislation

- 2000 Legislation provided additional regulations for money laundering and created s. 311.12, F.S., relating to seaport security. In creating s. 311.12, F.S., the Legislature introduced regulation of seaports that benefited from public financing and provided for:
 - Development and implementation of a statewide seaport security plan including minimum standards for seaport security that address the prevention of criminal activity and money laundering;
 - Development of individual seaport security plans;
 - Establishment of a fingerprint-based criminal history check of current employees and future applicants for employment at Florida's seaports; and
 - Directed FDLE to annually conduct no less than one unannounced inspection at each of the public ports and report its findings to the Governor, the President of the Senate, the Speaker of the House, and the chief administrator of each seaport inspected.



Subsequent State Legislation

- 2001-Incorporated Camber Report Seaport Security Standards
- Amended to disqualify certain persons from gaining employment within or regular access to the port.
- 2003-Uniform Port Access Credential
- 2006-Seaport Security Area Designations

2009 Legislation

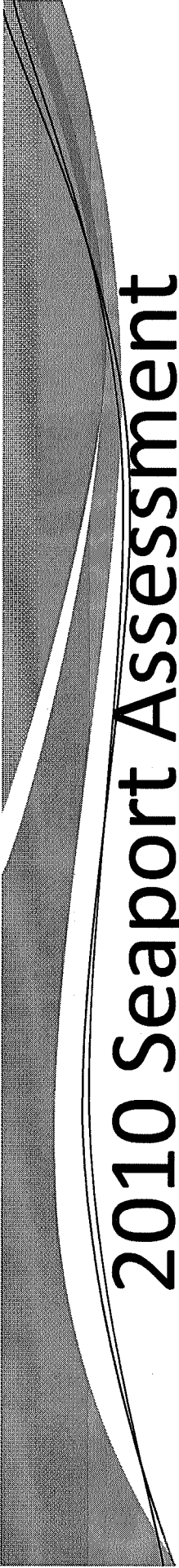
In 2009, the Legislature made several changes to statutes relating to Florida seaport security. The changes included the following:

- Allowed the FDLE to exempt part of a seaport from state minimum seaport security standards;
- Eliminated the requirement for a seaport director to perform quarterly risk assessments, but maintains a requirement the seaport director perform a continuous, ongoing risk assessment;
- Aligned terminology for restricted areas of the seaport with federal definitions;
- Required FDLE to implement a statewide port access database and created a pilot project for developing the FDLE database (Access Eligibility Reporting System);
- Prohibited seaports from issuing individual seaport access cards;
- Eliminated the requirement for a duplicative national criminal history background check in most circumstances and retained the state-specific Florida background check;
- Aligned the expiration period for Florida port access to five years, to conform with TWIC expiration date; and
- Directed the Office of Drug Control to commission an updated seaport security assessment.



2010 Seaport Security Assessment

- In February 2010, TranSystems issued a Florida Seaport Security Assessment which was prepared for the Florida Office of Drug Control. Some of the recommendations that the report provided were:
 - Transfer the sole responsibility for security standards, plans, practices, and audits to the U.S. Coast Guard.
 - Retask FDLE with the responsibility to develop port-specific threat intelligence for use by seaport security directors and eliminate FDLE's compliance inspection responsibilities.
 - Eliminate prescribed security standards and incorporate performance and risk based security standards.
 - Eliminate the state criminal background checks for those requesting access to restricted areas within the seaport if they have undergone the FBI-conducted background check and been issued a TWIC.
 - Authorize seaports to issue a port-specific identification badge for a specific port and stipulate that it will be used in conjunction with the federal TWIC.
 - Eliminate the requirement for on-site sworn law enforcement presence at the ports.



2010 Seaport Assessment

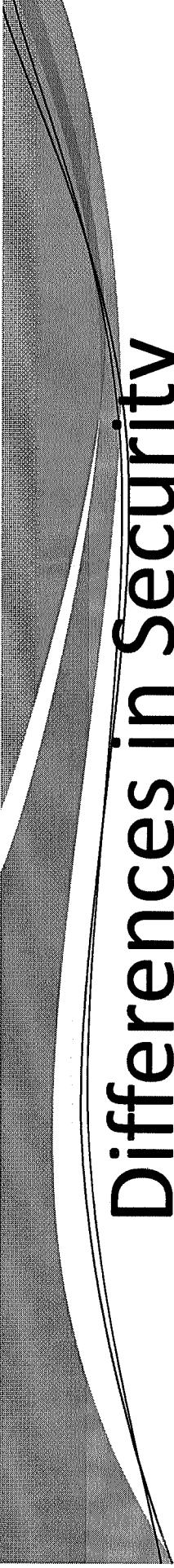
Office of Drug Control Response

- Study echoed many of the same grievances concerning security inspections the ports have voiced since 2001, but failed to provide any recommended improvements to seaport security.
- Study was strongly biased toward the ports without balancing security needs.
- Study recommends that security responsibility be transferred to the Coast Guard using the less stringent federal standards.
- Complying with the standards in state law has caused no discernable economic hardship for the ports, nor is there any substantial evidence that conforming to state seaport security standards has caused a loss of business to non-Florida seaports.
- FDLE reports that seaports have seen significant decreases in cargo theft and pilfering.



Federal Seaport Security History

- Created Post 9/11
- Homeland Security Act of 2002
- Marine Transportation Security Act (MTSA) of 2002
- Implementation of the MTSA
- Transportation Worker Identification Credential (TWIC)



Differences in Security

Requirements

Federal

- Risk-based Security Measures
- TWIC -Requires federal criminal history
- Allows for monitoring gates and access control through technical means.
- Due to being border entry points into the U.S. federal law enforcement is a normal presence in the ports.

State

- Inflexible security standards
- State background check- Requires state criminal history and is required of a wider range of people.
- Requires gate houses to be staffed or locked at all times.
- Requires state certified law enforcement to perform patrol functions at the seaport.



Offenses on both the Federal and

State List

- Treason
- Terrorism
- Improper Transportation of Hazardous Material
- Murder
- Money Laundering
- Bribery
- Drug Trafficking
- Arson
- Kidnapping
- Sexual Battery
- Robbery
- Racketeering



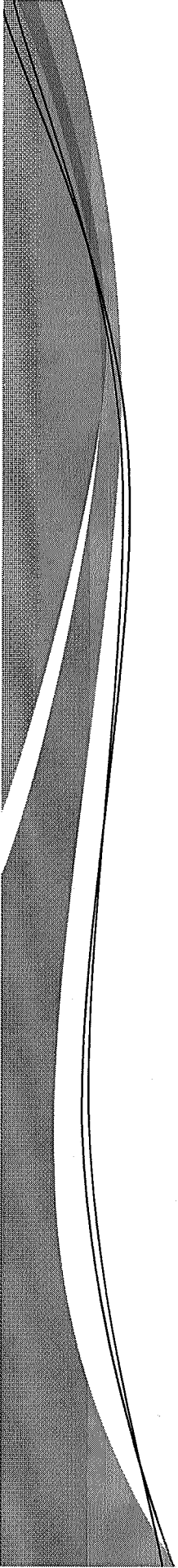
Offenses only on the Federal List

- Espionage
- Sedition
- Crime involving transportation security incident
- Threats concerning explosives against public place, state or government facility, or infrastructure
- Unlawful possession, sale, or manufacture of a firearm
- Extortion
- Immigration violations
- Assault with intent to kill
- Fraudulent entry into a seaport



Offenses only on State List

- Violation involving a WMD or a hoax WMD
- Planting a hoax bomb
- Dealing in stolen property
- Manslaughter
- Carjacking
- Burglary
- Aggravated Assault
- Aggravated Battery
- Aggravate Staling
- Unlawful throwing, placing, or discharge of a bomb
- Any other felony that involves the use or threat of violence
- Using a weapon in the commission of a felony
- Felony theft



Questions?