

By the Committee on Transportation and Representatives
 Ogles, Fasano, Merchant and Heyman

1 A bill to be entitled
 2 An act relating to motor vehicle registration;
 3 amending s. 320.02, F.S.; providing that the
 4 form for motor vehicle registration and renewal
 5 must include language permitting a voluntary
 6 contribution to the Florida Mothers Against
 7 Drunk Driving, Inc.; providing for the
 8 distribution of such contributions; providing
 9 for an annual audit; providing for the
 10 discontinuance of distributions of funds for
 11 noncompliance with auditing requirements;
 12 authorizing the Auditor General to examine the
 13 distribution and collection of funds; creating
 14 s. 320.023, F.S.; revising language with
 15 respect to requirements for requests to
 16 establish voluntary contributions; providing
 17 criteria for the discontinuance of the issuance
 18 of an approved voluntary contribution;
 19 requiring an annual audit or report; providing
 20 criteria for discontinuing a voluntary
 21 contribution; providing an effective date.

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

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 25 Section 1. Subsections (17), (18), (19), and (20) are
 26 added to section 320.02, Florida Statutes, to read:

27 320.02 Registration required; application for
 28 registration; forms.--

29 (17) The application form for motor vehicle
 30 registration and renewal of registration must include language
 31 permitting a voluntary contribution to the Florida Mothers

1 Against Drunk Driving, Inc., which contribution must be
2 transferred by the department to the Florida Mothers Against
3 Drunk Driving, Inc., on a monthly basis.

4 (18) All organizational recipients of any voluntary
5 contributions in excess of \$15,000 authorized in this section,
6 not otherwise subject to annual audit by the Office of the
7 Auditor General, must submit an annual audit of the
8 expenditures of voluntary contributions and interest earned
9 from these moneys, to determine if expenditures are being made
10 in accordance with any specifications outlined by law. The
11 audit must be prepared by a certified public accountant
12 licensed under chapter 473 at that organizational recipient's
13 expense. The audits must be delivered to the department no
14 later than December 31 of the calendar year in which the audit
15 was performed. Any voluntary contributions authorized by this
16 section shall only be distributed to an organization pursuant
17 to an appropriation by the Legislature.

18 (19) By February 1 of each year, the department shall
19 determine which recipients of voluntary contributions have not
20 complied with subsection (18). If the department determines
21 that an organization has not complied with subsection (18) or
22 has failed to use the revenues in accordance with any
23 specifications outlined by law, the department may discontinue
24 the distribution of the contributions to the organization
25 until the department determines that the organization is
26 complying with those provisions.

27 (20) The Auditor General has the authority to examine
28 all records pertaining to the use of funds collected and
29 distributed pursuant to the provisions of this section.

30 Section 2. Section 320.023, Florida Statutes, is
31 created to read:

1 320.023 Requests to establish voluntary check off on
2 motor vehicle registration or driver's license renewal.--

3 (1) An organization that seeks authorization to
4 establish a voluntary contribution on a motor vehicle
5 registration or driver's license renewal must submit to the
6 department:

7 (a) A request for the particular voluntary
8 contribution being sought, describing the proposed voluntary
9 contribution in general terms.

10 (b) An application fee, not to exceed \$10,000 to
11 defray the department's cost for reviewing the application and
12 developing the voluntary contribution checkoff, if authorized.
13 State funds may not be used to pay the application fee.

14 (c) A marketing strategy outlining short-term and
15 long-term marketing plans for the requested voluntary
16 contribution and a financial analysis outlining the
17 anticipated revenues and the planned expenditures of the
18 revenues to be derived from the voluntary contribution.

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20 The information required under this subsection must be
21 submitted to the department at least 90 days before the
22 convening of the next regular session of the Legislature.

23 (2) If the voluntary contribution is not approved by
24 the Legislature, the application fee must be refunded to the
25 requesting organization.

26 (3) The department must include any voluntary
27 contributions approved by the Legislature on the driver's
28 license or motor vehicle registration form when the form is
29 reprinted by the agency.

30 (4)(a) The department must discontinue the voluntary
31 contribution if:

1 1. Less than \$25,000 has been contributed by the end
2 of the 5th year.

3 2. Less than \$25,000 is contributed during any
4 subsequent 5-year period.

5 (b) The department is authorized to discontinue the
6 voluntary contribution and distribution of associated proceeds
7 if the organization no longer exists, if the organization has
8 stopped providing services that are authorized to be funded
9 from the voluntary contributions, or pursuant to an
10 organizational recipient's request.

11 (5) A voluntary contribution collected and distributed
12 under this chapter, or any interest earned from those
13 contributions, may not be used for commercial or for-profit
14 activities nor for general or administrative expenses, except
15 as authorized by law, or to pay the cost of the audit or
16 report required by law.

17 (a) All organizations that receive annual use fee
18 proceeds from the department are responsible for ensuring that
19 proceeds are used in accordance with law.

20 (b) All organizational recipients of any voluntary
21 contributions in excess of \$15,000, not otherwise subject to
22 annual audit by the Office of the Auditor General, shall
23 submit an annual audit of the expenditures of these
24 contributions and interest earned from these contributions, to
25 determine if expenditures are being made in accordance with
26 the specifications outlined by law. The audit shall be
27 prepared by a certified public accountant licensed under
28 chapter 473 at that organizational recipient's expense. The
29 notes to the financial statements should state whether
30 expenditures were made in accordance with law. Such audits
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1 must be delivered to the department no later than December 31
2 of the calendar year in which the audit was performed.

3 (c) In lieu of an annual audit, any organization
4 receiving less than \$15,000 in voluntary contributions
5 directly from the department may annually report, under
6 penalties of perjury, that such proceeds were used in
7 compliance with law. The attestation shall be made annually in
8 a form and format determined by the department.

9 (d) Any voluntary contributions authorized by law
10 shall only be distributed to an organization under an
11 appropriation by the Legislature.

12 (6) By February 1 each year, the department shall
13 determine which recipients have not complied with subsection
14 (5). If the department determines that an organization has
15 not complied or has failed to use the revenues in accordance
16 with law, the department must discontinue the distribution of
17 the revenues to the organization until the department
18 determines that the organization has complied. If an
19 organization fails to comply within 12 months after the
20 voluntary contributions are withheld by the department, the
21 proceeds shall be deposited into the Highway Safety Operating
22 Trust Fund to offset department costs.

23 (7) The Auditor General and the department have the
24 authority to examine all records pertaining to the use of
25 funds from the voluntary contributions authorized.

26 Section 3. This act shall take effect on July 1 of the
27 year in which enacted.

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