

Bill No. HB 3509

Amendment No. 3

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 The Committee on Transportation recommended the following
 12 amendment:

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 14 **Senate Amendment (with title amendment)**

15 On page 6, between lines 7 and 8,

16
 17 insert:

18 Section 4. Section 320.023, Florida Statutes, is
 19 created to read:

20 320.023 Requests to establish voluntary check off on
 21 motor vehicle registration application.--

22 (1) An organization that seeks authorization to
 23 establish a voluntary contribution on a motor vehicle
 24 registration application must submit to the department:

25 (a) A request for the particular voluntary
 26 contribution being sought, describing the proposed voluntary
 27 contribution in general terms.

28 (b) An application fee, not to exceed \$10,000 to
 29 defray the department's cost for reviewing the application and
 30 developing the voluntary contribution checkoff, if authorized.

31 State funds may not be used to pay the application fee.

Bill No. HB 3509

Amendment No. 3

1 (c) A marketing strategy outlining short-term and
2 long-term marketing plans for the requested voluntary
3 contribution and a financial analysis outlining the
4 anticipated revenues and the planned expenditures of the
5 revenues to be derived from the voluntary contribution.

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

10 (2) If the voluntary contribution is not approved by
11 the Legislature, the application fee must be refunded to the
12 requesting organization.

13 (3) The department must include any voluntary
14 contributions approved by the Legislature on the motor vehicle
15 application form when the form is reprinted by the agency.

16 (4)(a) The department must discontinue the voluntary
17 contribution if:

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

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

22 (b) The department is authorized to discontinue the
23 voluntary contribution and distribution of associated proceeds
24 if the organization no longer exists, if the organization has
25 stopped providing services that are authorized to be funded
26 from the voluntary contributions, or pursuant to an
27 organizational recipient's request.

28 (5) A voluntary contribution collected and distributed
29 under this chapter, or any interest earned from those
30 contributions, may not be used for commercial or for-profit
31 activities nor for general or administrative expenses, except

Bill No. HB 3509Amendment No. 3

1 as authorized by law, or to pay the cost of the audit or
2 report required by law.

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

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

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

25 (d) Any voluntary contributions authorized by law
26 shall only be distributed to an organization under an
27 appropriation by the Legislature.

28 (6) By February 1 each year, the department shall
29 determine which recipients have not complied with subsection
30 (5). If the department determines that an organization has
31 not complied or has failed to use the revenues in accordance

Bill No. HB 3509

Amendment No. 3

1 with law the department must discontinue the distribution of
2 the revenues to the organization until the department
3 determines that the organization has complied. If an
4 organization fails to comply within 12 months after the
5 voluntary contributions are withheld by the department, the
6 proceeds shall be deposited into the Highway Safety Operating
7 Trust Fund to offset department costs.

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

11 Section 5. Section 322.081, Florida Statutes, is
12 created to read:

13 322.081 Requests to establish voluntary check off on
14 driver's license application.--

15 (1) An organization that seeks authorization to
16 establish a voluntary contribution on a driver's license
17 application must submit to the department:

18 (a) A request for the particular voluntary
19 contribution being sought, describing the proposed voluntary
20 contribution in general terms.

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

25 (c) A marketing strategy outlining short-term and
26 long-term marketing plans for the requested voluntary
27 contribution and a financial analysis outlining the
28 anticipated revenues and the planned expenditures of the
29 revenues to be derived from the voluntary contribution.

30
31 The information required under this subsection must be

Bill No. HB 3509

Amendment No. 3

1 submitted to the department at least 90 days before the
2 convening of the next regular session of the Legislature.

3 (2) If the voluntary contribution is not approved by
4 the Legislature, the application fee must be refunded to the
5 requesting organization.

6 (3) The department must include any voluntary
7 contributions approved by the Legislature on the driver's
8 license application form when the form is reprinted by the
9 agency.

10 (4)(a) The department must discontinue the voluntary
11 contribution if:

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

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

16 (b) The department is authorized to discontinue the
17 voluntary contribution and distribution of associated proceeds
18 if the organization no longer exists, if the organization has
19 stopped providing services that are authorized to be funded
20 from the voluntary contributions, or pursuant to an
21 organizational recipient's request.

22 (5) A voluntary contribution collected and distributed
23 under this chapter, or any interest earned from those
24 contributions, may not be used for commercial or for-profit
25 activities nor for general or administrative expenses, except
26 as authorized by law, or to pay the cost of the audit or
27 report required by law.

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

31 (b) All organizational recipients of any voluntary

Bill No. HB 3509Amendment No. 3

1 contributions in excess of \$15,000, not otherwise subject to
2 annual audit by the Office of the Auditor General, shall
3 submit an annual audit of the expenditures of these
4 contributions and interest earned from these contributions, to
5 determine if expenditures are being made in accordance with
6 the specifications outlined by law. The audit shall be
7 prepared by a certified public accountant licensed under
8 chapter 473 at that organizational recipient's expense. The
9 notes to the financial statements should state whether
10 expenditures were made in accordance with law. Such audits
11 must be delivered to the department no later than December 31
12 of the calendar year in which the audit was performed.

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

19 (d) Any voluntary contributions authorized by law
20 shall only be distributed to an organization under an
21 appropriation by the Legislature.

22 (6) By February 1 each year, the department shall
23 determine which recipients have not complied with subsection
24 (5). If the department determines that an organization has
25 not complied or has failed to use the revenues in accordance
26 with law the department must discontinue the distribution of
27 the revenues to the organization until the department
28 determines that the organization has complied. If an
29 organization fails to comply within 12 months after the
30 voluntary contributions are withheld by the department, the
31 proceeds shall be deposited into the Highway Safety Operating

Bill No. HB 3509

Amendment No. 3

1 Trust Fund to offset department costs.

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

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6 (Redesignate subsequent sections.)

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 13, after the semicolon

12

13 insert:

14 creating s. 320.023, F.S.; revising language
15 with respect to requirements for requests to
16 establish voluntary contributions on motor
17 vehicle registration applications; providing
18 criteria for the discontinuance of the issuance
19 of an approved voluntary contribution;
20 requiring an annual audit or report; providing
21 criteria for discontinuing a voluntary
22 contribution; creating s. 322.081, F.S.;
23 revising language with respect to requirements
24 for requests to establish voluntary
25 contributions on driver's license applications;
26 providing criteria for the discontinuance of
27 the issuance of an approved voluntary
28 contribution; requiring an annual audit or
29 report; providing criteria for discontinuing a
30 voluntary contribution;

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