

Bill No. HB 3921, 1st Eng.

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Harris moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 2, between lines 21 and 22,		
15			
16	insert:		
17	Section 2. Subsections (17), (18), (19), and (20) are		
18	added to section 320.02, Florida Statutes, to read:		
19	320.02 Registration required; application for		
20	registration; forms.--		
21	<u>(17) The application form for motor vehicle</u>		
22	<u>registration and renewal of registration must include language</u>		
23	<u>permitting a voluntary contribution to the Florida Mothers</u>		
24	<u>Against Drunk Driving, Inc., which contribution must be</u>		
25	<u>transferred by the department to the Florida Mothers Against</u>		
26	<u>Drunk Driving, Inc., on a monthly basis.</u>		
27	<u>(18) All organizational recipients of any voluntary</u>		
28	<u>contributions in excess of \$15,000 authorized in this section,</u>		
29	<u>not otherwise subject to annual audit by the Office of the</u>		
30	<u>Auditor General, must submit an annual audit of the</u>		
31	<u>expenditures of voluntary contributions and interest earned</u>		

Bill No. HB 3921, 1st Eng.

Amendment No. \_\_\_\_

1 from these moneys, to determine if expenditures are being made  
2 in accordance with any specifications outlined by law. The  
3 audit must be prepared by a certified public accountant  
4 licensed under chapter 473 at that organizational recipient's  
5 expense. The audits must be delivered to the department no  
6 later than December 31 of the calendar year in which the audit  
7 was performed. Any voluntary contributions authorized by this  
8 section shall only be distributed to an organization pursuant  
9 to an appropriation by the Legislature.

10 (19) By February 1 of each year, the department shall  
11 determine which recipients of voluntary contributions have not  
12 complied with subsection (18). If the department determines  
13 that an organization has not complied with subsection (18) or  
14 has failed to use the revenues in accordance with any  
15 specifications outlined by law, the department may discontinue  
16 the distribution of the contributions to the organization  
17 until the department determines that the organization is  
18 complying with those provisions.

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

22 Section 3. Section 320.023, Florida Statutes, is  
23 created to read:

24 320.023 Requests to establish voluntary check off on  
25 motor vehicle registration or driver's license renewal.--

26 (1) An organization that seeks authorization to  
27 establish a voluntary contribution on a motor vehicle  
28 registration or driver's license renewal must submit to the  
29 department:

30 (a) A request for the particular voluntary  
31 contribution being sought, describing the proposed voluntary

Bill No. HB 3921, 1st Eng.

Amendment No. \_\_\_\_

1 contribution in general terms.

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

6 (c) A marketing strategy outlining short-term and  
7 long-term marketing plans for the requested voluntary  
8 contribution and a financial analysis outlining the  
9 anticipated revenues and the planned expenditures of the  
10 revenues to be derived from the voluntary contribution.

11  
12 The information required under this subsection must be  
13 submitted to the department at least 90 days before the  
14 convening of the next regular session of the Legislature.

15 (2) If the voluntary contribution is not approved by  
16 the Legislature, the application fee must be refunded to the  
17 requesting organization.

18 (3) The department must include any voluntary  
19 contributions approved by the Legislature on the driver's  
20 license or motor vehicle registration form when the form is  
21 reprinted by the agency.

22 (4)(a) The department must discontinue the voluntary  
23 contribution if:

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

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

28 (b) The department is authorized to discontinue the  
29 voluntary contribution and distribution of associated proceeds  
30 if the organization no longer exists, if the organization has  
31 stopped providing services that are authorized to be funded

Bill No. HB 3921, 1st Eng.

Amendment No. \_\_\_\_

1 from the voluntary contributions, or pursuant to an  
2 organizational recipient's request.

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

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

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

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

31 (d) Any voluntary contributions authorized by law

Bill No. HB 3921, 1st Eng.

Amendment No. \_\_\_\_

1 shall only be distributed to an organization under an  
2 appropriation by the Legislature.

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

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

17  
18 (Redesignate subsequent sections.)

19  
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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 1, lines 2-6, delete those lines

24

25 and insert:

26 An act relating to motor vehicles; amending s.  
27 322.21, F.S.; revising language with respect to  
28 drivers' license fees for the renewal of  
29 certain Class D or Class E licenses; amending  
30 s. 320.02, F.S.; providing that the form for  
31 motor vehicle registration and renewal must

Bill No. HB 3921, 1st Eng.

Amendment No. \_\_\_\_

1 include language permitting a voluntary  
2 contribution to the Florida Mothers Against  
3 Drunk Driving, Inc.; providing for the  
4 distribution of such contributions; providing  
5 for an annual audit; providing for the  
6 discontinuance of distributions of funds for  
7 noncompliance with auditing requirements;  
8 authorizing the Auditor General to examine the  
9 distribution and collection of funds; creating  
10 s. 320.023, F.S.; revising language with  
11 respect to requirements for requests to  
12 establish voluntary contributions; providing  
13 criteria for the discontinuance of the issuance  
14 of an approved voluntary contribution;  
15 requiring an annual audit or report; providing  
16 criteria for discontinuing a voluntary  
17 contribution; providing an effective date.

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