

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. Subsection (17) is added to section 320.02,		
18	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	Section 3. Section 320.023, Florida Statutes, is		
28	created to read:		
29	<u>320.023 Requests to establish voluntary checkoff on</u>		
30	<u>motor vehicle registration or driver's license renewal.--</u>		
31	<u>(1) An organization that seeks authorization to</u>		

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1 establish a voluntary contribution on a motor vehicle  
2 registration application must submit to the department:

3 (a) A request for the particular voluntary  
4 contribution being sought, describing the proposed voluntary  
5 contribution in general terms.

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

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

15  
16 The information required under this subsection must be  
17 submitted to the department at least 90 days before the  
18 convening of the next regular session of the Legislature.

19 (2) If the voluntary contribution is not approved by  
20 the Legislature, the application fee must be refunded to the  
21 requesting organization.

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

25 (4)(a) The department must discontinue the voluntary  
26 contribution if:

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

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

31 (b) The department is authorized to discontinue the

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1 voluntary contribution and distribution of associated proceeds  
2 if the organization no longer exists, if the organization has  
3 stopped providing services that are authorized to be funded  
4 from the voluntary contributions, or upon the recipient  
5 organization's request.

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

12 (a) All organizations that receive annual use-fee  
13 proceeds from the department are responsible for ensuring that  
14 proceeds are used in accordance with law.

15 (b) All organizations that receive any voluntary  
16 contributions in excess of \$15,000, not otherwise subject to  
17 annual audit by the Office of the Auditor General, shall  
18 submit an annual audit of the expenditures of these  
19 contributions and interest earned from these contributions, to  
20 determine whether expenditures are being made in accordance  
21 with the specifications outlined by law. The audit shall be  
22 prepared by a certified public accountant licensed under  
23 chapter 473 at that recipient organization's expense. The  
24 notes to the financial statements should state whether  
25 expenditures were made in accordance with law. Such audits  
26 must be delivered to the department by December 31 of the  
27 calendar year in which the audit was performed.

28 (c) In lieu of an annual audit, any organization  
29 receiving less than \$15,000 in voluntary contributions  
30 directly from the department may annually report, under  
31 penalties of perjury, that such proceeds were used in

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1 compliance with law. The attestation shall be made annually in  
2 a form and format determined by the department.

3 (d) Any voluntary contributions authorized by law  
4 shall be distributed to an organization only under an  
5 appropriation by the Legislature.

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

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

20 Section 4. Section 322.081, Florida Statutes, is  
21 created to read:

22 322.081 Requests to establish voluntary checkoff on  
23 driver's license application.--

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

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

30 (b) An application fee, not to exceed \$10,000, to  
31 defray the department's cost for reviewing the application and

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1 developing the voluntary contribution checkoff, if authorized.

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

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

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

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

15 (3) The department must include any voluntary  
16 contributions approved by the Legislature on the driver's  
17 license application form when the form is reprinted by the  
18 agency.

19 (4)(a) The department must discontinue the voluntary  
20 contribution if:

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

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

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

31 (5) A voluntary contribution collected and distributed

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1 under this chapter, or any interest earned from those  
2 contributions, may not be used for commercial or for-profit  
3 activities nor for general or administrative expenses, except  
4 as authorized by law, or to pay the cost of the audit or  
5 report required by law.

6 (a) All organizations that receive annual use-fee  
7 proceeds from the department are responsible for ensuring that  
8 proceeds are used in accordance with law.

9 (b) All organizations that receive any voluntary  
10 contributions in excess of \$15,000, not otherwise subject to  
11 annual audit by the Office of the Auditor General, shall  
12 submit an annual audit of the expenditures of these  
13 contributions and interest earned from these contributions, to  
14 determine whether expenditures are being made in accordance  
15 with the specifications outlined by law. The audit shall be  
16 prepared by a certified public accountant licensed under  
17 chapter 473 at that recipient organization's expense. The  
18 notes to the financial statements should state whether  
19 expenditures were made in accordance with law. Such audits  
20 must be delivered to the department by December 31 of the  
21 calendar year in which the audit was performed.

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

28 (d) Any voluntary contributions authorized by law  
29 shall be distributed to an organization only under an  
30 appropriation by the Legislature.

31 (6) By February 1 each year, the department shall

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

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

14  
 15 (Redesignate subsequent sections.)

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

19 And the title is amended as follows:

20 On page 1, line 2, delete that line

21  
 22 and insert:

23 An act relating to the operation and  
 24 registration of motor vehicles; amending s.  
 25 320.02, F.S.; providing for voluntary  
 26 contributions on motor vehicle registration  
 27 applications; providing criteria for the  
 28 discontinuance of the issuance of an approved  
 29 voluntary contribution; requiring an annual  
 30 audit or report; providing criteria for  
 31 discontinuing a voluntary contribution;

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creating s. 322.081, F.S.; revising provisions with respect to requirements for requests to establish voluntary contributions on driver's license applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; amending