

ORDINANCE NO. 02- 04

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; TO BE ENTITLED DISTRIBUTION OF CHOOSE LIFE LICENSE PLATE REVENUE; PROVIDING FOR THE DISTRIBUTION OF STATE LICENSE PLATE REVENUE TO ELIGIBLE NOT-FOR-PROFIT AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE HERNANDO COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Florida Legislature did in 99-301, Laws of Florida, enact legislation to create the Choose Life license plate; and

WHEREAS, such legislation as codified in section 320.08058(30), Florida Statutes, provides for the distribution of the annual use fees to each county based on the ratio of the annual use fees collected by each county; and

WHEREAS, the Hernando County Board of County Commissioners desires to enact this ordinance for the purpose of complying with the statutory distribution requirements such revenue to qualified agencies located within Hernando County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, that:

SECTION 1. **Recitals.** That the foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. **Creation.** Ordinance No. 02-**04**, of the Hernando County Code, shall be created as follows:

**Distribution of Choose Life License Plate Revenue.** Funds distributed by the State of Florida to the County from the sale of the Choose Life License Plate shall be done in accordance with the following criteria:

- (a) The County Administrator or designee, upon notification from the State that these license plate revenues are available, prepare a Resolution to recognize these funds as an increase to the general revenue account to be placed in a separate established account that shall carry forward each fiscal year and shall not lapse. All revenues received from the State shall be used in meeting the requirements of Section 320.08058(30).

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- (b) The County Administrator or designee shall, upon approval of the Resolution, contract with Catholic Charities, Inc., to become the lead agency responsible for the solicitation of funding requests, distribution of funding by contract, and monitoring of said contracts with qualified agencies. The lead agency will also maintain the responsibility of providing the County with an annual report on the distribution of funding and ensuring that proceeds are used in accordance with F.S. 320.08056 and 320.08058
- (c) The lead agency shall only accept proposals from agencies that are (1) non-governmental, (2) not-for-profit, (3) that offer services limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption, in accordance with Section 320.08058(30).
- (d) Agencies that do not meet this criteria and/or agencies that are involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, pro-abortion advertising, and/or agencies that charge women for services received shall not be entitled to receive funding under this section.
- (e) At the date and time specified within the request for funding proposals, the lead agency shall review the proposals for eligibility and submit a funding recommendation to the County Administrator or designee to be then forwarded to the Board of County Commissioners for approval. If approved, all agencies to receive funding shall execute a Funding Agreement with the lead agency.
- (f) Funds distributed to agencies qualifying under subsection (c) and approved by the Board of County Commissioners shall be used in accordance with the following:
  - (1) Agencies that receive the funds must use at least seventy (70) percent of the funds to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.
  - (2) The remaining funds may be used for adoption, counseling, training, or advertising, but may not be used for administration expenses, legal expenses, or capital expenditures. Any unused funds that exceed ten (10) percent of the funds received by an agency during its fiscal year must be returned to the Lead Agency with notification to the County Administrator or designee, who shall determine with the Lead Agency their distribution to other qualified agencies
  - (3) Each agency that receives such funds must submit an annual audit to the Lead Agency, of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licenced under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were

made in accordance with F.S. 320.08056 and 320.08058.

- (4) In lieu of an annual audit, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually report, under penalties of perjury, that such proceeds were used in compliance with F.S. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the lead agency.
- (5) The annual audit or report shall be submitted to the County for review and forwarded to the Department of Motor Vehicle Licenses within 180 days after the end of the organization's fiscal year. Within 90 days after receiving an organization's audit or report, the Department of Motor Vehicles shall determine which recipients of Choose Life license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with F.S. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of the Choose Life or other speciality license plates.
- (6) The State Auditor General and the department have the authority to examine all records pertaining to the use of funds from the sale of Choose Life or other speciality license plates.

SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. **Inclusion in the Code.** It is the intention of the Board of County Commissioners and it is hereby provided that the provisions of this ordinance shall be made a part of the Hernando County Code; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 5. **Effective Date.** This ordinance shall become effective

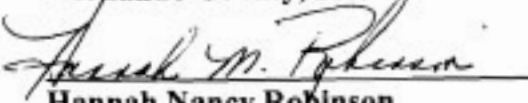
immediately upon receipt by the Clerk of the Board of notice that it has been filed with the Department of State.

ENACTED this 23rd day of April, 2002.

FILED with the Secretary of State Florida, 2002.

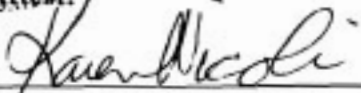
EFFECTIVE on May 1, 2002.

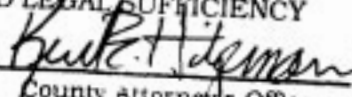
Board of County Commissioners  
Hernando County, Florida

  
Hannah Nancy Robinson  
Chairperson

This 23 day of April, 2002.

Attest:

  
Karen Nicolai  
Clerk of the Court

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
County Attorney's Office