

By the Committee on Transportation and Senator Harris

306-1959-98

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; creating s.
9 320.023, F.S.; revising provisions with respect
10 to requirements for requests to establish
11 voluntary contributions; providing criteria for
12 the discontinuance of the issuance of an
13 approved voluntary contribution; requiring an
14 annual audit or report; providing criteria for
15 discontinuing a voluntary contribution;
16 amending s. 320.02, F.S.; providing for an
17 annual audit; providing for the discontinuance
18 of distributions of funds for noncompliance
19 with auditing requirements; authorizing the
20 Auditor General to examine the distribution and
21 collection of funds; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (17) is added to section 320.02,
27 Florida Statutes, to read:

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

30 (17) The application form for motor vehicle
31 registration and renewal of registration must include language

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

5 Section 2. Section 320.023, Florida Statutes, is
6 created to read:

7 320.023 Requests to establish voluntary checkoff on
8 motor vehicle registration or driver's license renewal.--

9 (1) An organization that seeks authorization to
10 establish a voluntary contribution on a motor vehicle
11 registration or driver's license renewal must submit to the
12 department:

13 (a) A request for the particular voluntary
14 contribution being sought, describing the proposed voluntary
15 contribution in general terms.

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

20 (c) A marketing strategy outlining short-term and
21 long-term marketing plans for the requested voluntary
22 contribution and a financial analysis outlining the
23 anticipated revenues and the planned expenditures of the
24 revenues to be derived from the voluntary contribution.

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

29 (2) If the voluntary contribution is not approved by
30 the Legislature, the application fee must be refunded to the
31 requesting organization.

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

5 (4)(a) The department must discontinue the voluntary
6 contribution if:

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

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

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

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

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

26 (b) All organizational recipients of any voluntary
27 contributions in excess of \$15,000, not otherwise subject to
28 annual audit by the Office of the Auditor General, shall
29 submit an annual audit of the expenditures of these
30 contributions and interest earned from these contributions, to
31 determine whether expenditures are being made in accordance

1 with the specifications outlined by law. The audit shall be
2 prepared by a certified public accountant licensed under
3 chapter 473 at that organizational recipient's expense. The
4 notes to the financial statements should state whether
5 expenditures were made in accordance with law. Such audits
6 must be delivered to the department no later than December 31
7 of the calendar year in which the audit was performed.

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

14 (d) Any voluntary contributions authorized by law
15 shall be distributed only to an organization under an
16 appropriation by the Legislature.

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

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

31

1 Section 3. Subsections (17), (18), and (19) are added
2 to section 320.02, Florida Statutes, to read:

3 320.02 Registration required; application for
4 registration; forms.--

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

19 (18) By February 1 of each year, the department shall
20 determine which recipients of voluntary contributions have not
21 complied with subsection (17). If the department determines
22 that an organization has not complied with subsection (17) or
23 has failed to use the revenues in accordance with any
24 specifications outlined by law, the department may discontinue
25 the distribution of the contributions to the organization
26 until the department determines that the organization is
27 complying with those provisions.

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

31 Section 4. This act shall take effect on July 1, 1998.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 938

The CS establishes requirements for organizations seeking to establish a voluntary contribution or check off on a motor vehicle registration or driver's license renewal form. In addition, the CS provides for the discontinuance of voluntary contributions under certain conditions.

The CS establishes certain audit and accountability requirements for organizations receiving funds through voluntary organizations.

The CS effectively conforms the provisions governing voluntary contributions to those established for specialty license plates.