

By the Committees on Governmental Reform and Oversight;
Transportation; and Senator Harris

302-2204-98

1 A bill to be entitled
2 An act relating to motor vehicle registration;
3 amending s. 320.02, F.S.; providing for
4 voluntary contributions on motor vehicle
5 registration applications; providing criteria
6 for the discontinuance of the issuance of an
7 approved voluntary contribution; requiring an
8 annual audit or report; providing criteria for
9 discontinuing a voluntary contribution;
10 creating s. 322.081, F.S.; revising provisions
11 with respect to requirements for requests to
12 establish voluntary contributions on driver's
13 license applications; providing criteria for
14 the discontinuance of the issuance of an
15 approved voluntary contribution; requiring an
16 annual audit or report; providing criteria for
17 discontinuing a voluntary contribution;
18 providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (17) is added to section 320.02,
23 Florida Statutes, to read:

24 320.02 Registration required; application for
25 registration; forms.--

26 (17) The application form for motor vehicle
27 registration and renewal of registration must include language
28 permitting a voluntary contribution to the Florida Mothers
29 Against Drunk Driving, Inc., which contribution must be
30 transferred by the department to the Florida Mothers Against
31 Drunk Driving, Inc., on a monthly basis.

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

3 320.023 Requests to establish voluntary checkoff on
4 motor vehicle registration or driver's license renewal.--

5 (1) An organization that seeks authorization to
6 establish a voluntary contribution on a motor vehicle
7 registration application must submit to the department:

8 (a) A request for the particular voluntary
9 contribution being sought, describing the proposed voluntary
10 contribution in general terms.

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

15 (c) A marketing strategy outlining short-term and
16 long-term marketing plans for the requested voluntary
17 contribution and a financial analysis outlining the
18 anticipated revenues and the planned expenditures of the
19 revenues to be derived from the voluntary contribution.

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

24 (2) If the voluntary contribution is not approved by
25 the Legislature, the application fee must be refunded to the
26 requesting organization.

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

30 (4)(a) The department must discontinue the voluntary
31 contribution if:

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

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

5 (b) The department is authorized to discontinue the
6 voluntary contribution and distribution of associated proceeds
7 if the organization no longer exists, if the organization has
8 stopped providing services that are authorized to be funded
9 from the voluntary contributions, or upon the recipient
10 organization's request.

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

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

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

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1 must be delivered to the department by December 31 of the
2 calendar year in which the audit was performed.

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

9 (d) Any voluntary contributions authorized by law
10 shall be distributed to an organization only under an
11 appropriation by the Legislature.

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

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

26 Section 3. Section 322.081, Florida Statutes, is
27 created to read:

28 322.081 Requests to establish voluntary checkoff on
29 driver's license application.--

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

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

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

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

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

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

23 (3) The department must include any voluntary
24 contributions approved by the Legislature on the driver's
25 license application form when the form is reprinted by the
26 agency.

27 (4)(a) The department must discontinue the voluntary
28 contribution if:

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

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

3 (b) The department is authorized to discontinue the
4 voluntary contribution and distribution of associated proceeds
5 if the organization no longer exists, if the organization has
6 stopped providing services that are authorized to be funded
7 from the voluntary contributions, or upon the recipient
8 organization's request.

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

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

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

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

7 (d) Any voluntary contributions authorized by law
8 shall be distributed to an organization only under an
9 appropriation by the Legislature.

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

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

24 Section 4. This act shall take effect July 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 938

The Committee Substitute for CS/SB 938 deletes amendment of s. 320.02, F.S., and its amended registration requirements. In its place s. 322.081, F.S., is created to establish a voluntary check-off process for all organizations seeking to use both the motor vehicle registration and driver's application as the method of achieving its voluntary contribution objectives. The criteria and processes used in s. 2 of the bill are made applicable to this section.