

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

301-2237-98

1                                   A bill to be entitled  
2           An act relating to the operation and  
3           registration of motor vehicles; amending s.  
4           320.02, F.S.; providing for voluntary  
5           contributions on motor vehicle registration  
6           applications; providing criteria for the  
7           discontinuance of the issuance of an approved  
8           voluntary contribution; requiring an annual  
9           audit or report; providing criteria for  
10          discontinuing a voluntary contribution;  
11          creating s. 322.081, F.S.; revising provisions  
12          with respect to requirements for requests to  
13          establish voluntary contributions on driver's  
14          license applications; providing criteria for  
15          the discontinuance of the issuance of an  
16          approved voluntary contribution; requiring an  
17          annual audit or report; providing criteria for  
18          discontinuing a voluntary contribution;  
19          amending s. 322.21, F.S.; revising provisions  
20          with respect to license fees for the renewal of  
21          certain Class D or Class E licenses; providing  
22          an effective date.

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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 application must submit to the department:

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

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

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

24  
25 The information required under this subsection must be  
26 submitted to the department at least 90 days before the  
27 convening of the next regular session of the Legislature.

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

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

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

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

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

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

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

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

25           (b) All organizations that receive any voluntary  
26 contributions in excess of \$15,000, not otherwise subject to  
27 annual audit by the Office of the Auditor General, shall  
28 submit an annual audit of the expenditures of these  
29 contributions and interest earned from these contributions, to  
30 determine whether expenditures are being made in accordance  
31 with the specifications outlined by law. The audit shall be

1 prepared by a certified public accountant licensed under  
2 chapter 473 at that recipient organization's expense. The  
3 notes to the financial statements should state whether  
4 expenditures were made in accordance with law. Such audits  
5 must be delivered to the department by December 31 of the  
6 calendar year in which the audit was performed.

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

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

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

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

30 Section 3. Section 322.081, Florida Statutes, is  
31 created to read:

1           322.081 Requests to establish voluntary checkoff on  
2 driver's license application.--

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

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

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

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

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

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

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

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

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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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2 calendar year in which the audit was performed.

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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 4. Subsection (1) of section 322.21, Florida  
27 Statutes, is amended to read:

28 322.21 License fees; procedure for handling and  
29 collecting fees.--

30 (1) Except as otherwise provided herein, the fee for:  
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1 (a) An original or renewal commercial driver's license  
2 is \$50, which shall include the fee for driver education  
3 provided by s. 233.063; however, if an applicant has completed  
4 training and is applying for employment or is currently  
5 employed in a public or nonpublic school system that requires  
6 the commercial license, the fee shall be the same as for a  
7 Class E driver's license. A delinquent fee of \$1 shall be  
8 added for a renewal made not more than 12 months after the  
9 license expiration date.

10 (b) An original Class D or Class E driver's license is  
11 \$20, which shall include the fee for driver's education  
12 provided by s. 233.063; however, if an applicant has completed  
13 training and is applying for employment or is currently  
14 employed in a public or nonpublic school system that requires  
15 a commercial driver license, the fee shall be the same as for  
16 a Class E license.

17 (c) The renewal or extension of ~~a Class D or Class E~~  
18 ~~driver's license or of~~ a license restricted to motorcycle use  
19 only is \$15, except that a delinquent fee of \$1 shall be added  
20 for a renewal or extension made not more than 12 months after  
21 the license expiration date. The fee provided in this  
22 paragraph shall include the fee for driver's education  
23 provided by s. 233.063.

24 (d) The renewal or extension of a Class D or Class E  
25 driver's license for an individual who obtains a 4-year  
26 renewal pursuant to s. 322.18(2)(b) is \$40, except that a  
27 delinquent fee of \$1 shall be added for a renewal or extension  
28 made not more than 12 months after the license expiration  
29 date. The fee provided in this paragraph shall include the fee  
30 for driver's education provided by s. 233.063.

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1           (e) The renewal or extension of a Class D or Class E  
2 driver's license for an individual who obtains a 6-year  
3 renewal pursuant to s. 322.18(2)(b), shall be free of charge.

4           ~~(f)(d)~~ An original driver's license restricted to  
5 motorcycle use only is \$20, which shall include the fee for  
6 driver's education provided by s. 233.063.

7           ~~(g)(e)~~ Each endorsement required by s. 322.57 is \$5.

8           Section 5. This act shall take effect July 1, 1998.

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10                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11   COMMITTEE SUBSTITUTE FOR  
12   CS/CS/SB 938

13 The bill provides that drivers eligible for a 6-year renewal  
14 driver's license will not have to pay the \$15 renewal fee. In  
15 addition, the bill provides for an increase of \$25 for drivers  
eligible for the 4-year renewal driver's license, for a total  
of \$40 for a 4-year renewal driver's license.