

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:
RS-58	CREATION OF A NEW VOLUNTARY TRUST FUND FEE
DESCRIPTION AND USE:	
THIS PROCEDURE PROVIDES INFORMATION REGARDING THE REQUIREMENTS FOR CREATING, REPORTING AND AUDITING A NEW VOLUNTARY TRUST FUND FEE.	
<p>I. PROVISIONS OF LAW:</p> <p><u>Section 320.023, Florida Statutes</u>, provides the requirements for an organization to request the creation of a new voluntary trust fund fee on the motor vehicle registration renewal notices. It also provides the responsibilities of the department in regard to the fees once the voluntary trust fund fee is established by the legislature.</p> <p><u>Section 320.023 (5)(d), Florida Statutes</u>, requires all organizational recipients of voluntary contributions to ensure that proceeds are used in accordance with law. Any organizational recipients not subject to audit pursuant to s. 215.97, Florida Statutes, shall annually attest that proceeds were used in compliance with law. This information must include interest earned from these fees and expenditures. This procedure pertains to all organizational recipients listed in DMS Procedure RS-59.</p> <p><u>Section 322.081, Florida Statutes</u>, provides the requirements for an organization to request the creation of a new voluntary trust fund fee on the driver license renewal notices. It also provides the responsibilities of the department in regard to the fees once the voluntary trust fund fee is established by the legislature.</p> <p><u>Section 322.081(5)(d), Florida Statutes</u>, requires all organizational recipients subject to audit pursuant to Section 215.97 to submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation must be submitted to the department for review within 9 months after the end of the organization’s fiscal year. Any organizational recipients not subject to audit pursuant to Section <u>215.97, Florida Statutes</u>, shall annually attest that proceeds were used in compliance with law. This information must include interest earned from these fees and expenditures. This procedure pertains to all organizational recipients listed in <u>DMS Procedure RS-59</u>.</p>	
<i>Revision(s) to this procedure: Conduct statutory review, added Historical Revisions section, changed applicant to customer, and provided links to statutes and procedures.</i>	
EFFECTIVE DATE	REVISION DATE
Immediately	09/11/18

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II. APPLICATION REQUIREMENTS:

Legislation must be enacted to establish a new voluntary trust fund fee. Proposals for creating a trust fund may only be considered by the legislature upon compliance with the following conditions and requirements. An organization that seeks to establish a new voluntary trust fund fee must submit the following to the department:

- A. A letter of request for the proposed voluntary trust fund fees describing the voluntary contribution. The letter must include:
1. Name and address of the organization requesting the trust fund.
 2. Name, address and telephone number for the contact person.
 3. Specify the minimum amount of the proposed trust fund fee to be collected.
 4. The name of the recipient of funds from the department and its fiscal end. If the recipient will make redistribution, that organization must also be identified to include its fiscal year end.
 5. Specify the use of the trust fund.
 6. Specify if the voluntary contribution will be on the motor vehicle registration renewal notice or the driver license renewal notice or both.
- B. An application fee of \$10,000 for the motor vehicle registration renewal notice and \$10,000 for the driver license renewal notice. Payable to the Division of Motorist Services to defray the department's cost for reviewing the application and developing the voluntary contribution check off must be submitted with the letter of application. This fee is deposited into the Highway Safety Operating Fund. State funds may not be used by any organization to pay the application fee. If the voluntary fee requested by the organization is not approved by the legislature, the application fee shall be refunded to the requesting organization.
- C. A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.
- D. Submit proof that the organization is operating under the Solicitation of Contributions Act, if required by chapter 496, before funds may be distributed.

These application requirements must be submitted at least 90 days before the convening of the next regular session of the legislature. The department recommends that the application requirements be submitted no later than December 1.

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III. LEGISLATIVE PROCESS:

If the application requirements described in Section II have been complied with, the department will notify the House and Senate Transportation Committees that the requirements have been met within the designated time period. The **customer** will also be advised that they must obtain sponsors to propose legislation in both the Senate and House to ensure assistance and support in the passage of legislation. The proposed legislation must be consistent with all other existing voluntary trust fund fees.

IV. IMPLEMENTATION RESPONSIBILITIES:

If the Legislature approves the voluntary trust fund fee, the Division of Motorist Services must comply with the following:

- A. The Division must include information on the voluntary trust fund fee on the motor vehicle registration renewal **and/or the driver license renewal forms.**
- B. The Division must provide the computer programming for the collection and distribution of the voluntary trust fund fee.
- C. The Division is responsible for revising the procedures.

V. DEAUTHORIZATION OF THE FEE:

The Division must discontinue the voluntary contribution if:

- A. Less than \$25,000 has been contributed by the end of the 5th year.
- B. Less than \$25,000 is contributed during any subsequent 5-year period.
- C. The organization no longer exists or has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request.

Historical Revisions:

09/17/2014 - Removed the voluntary contribution moratorium information; added the requirements for the voluntary contribution for the driver license renewal notice.

08/16/2010 – Revised the “Description and Use” section and added moratorium requirement on page 1 and added statement to “Note” on page 2 regarding department’s recommendation for submitting applications.

12/05/2003 – Corrected Florida Statutes 320.023(5)(d) on page 1 and clarified legislative process on page 2.