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1                   A bill to be entitled  
2           An act relating to trust funds; terminating certain  
3           specified trust funds within the Department of Agriculture  
4           and Consumer Services and transferring the funds to other  
5           trust funds in the department; renaming trust funds within  
6           the Department of Agriculture and Consumer Services, the  
7           Department of the Lottery, and the Division of  
8           Administrative Hearings of the Department of Management  
9           Services; transferring certain accounts within the Grants  
10          and Donations Trust Fund of the Department of Management  
11          Services to the Operating Trust Fund of the Department of  
12          Management Services; amending ss. 215.20, 550.2625,  
13          550.2633, 570.382, 215.22, 589.277, 24.114, 24.120,  
14          24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22,  
15          287.042, 287.057, and 287.1345, F.S.; conforming  
16          provisions to changes made by the act; reenacting s.  
17          550.0351(4), F.S., relating to charity racing days, to  
18          incorporate the amendments made to s. 550.2625, F.S., in a  
19          reference thereto; reenacting ss. 43.16(1) and 570.07(41),  
20          F.S., relating to exempting the Justice Administrative  
21          Commission from certain fees and authorizing the use of  
22          the on-line procurement system of the Department of  
23          Agriculture and Consumer Services, respectively, to  
24          incorporate the amendments made to s. 287.057, F.S., in  
25          references thereto; providing effective dates.

26  
27   Be It Enacted by the Legislature of the State of Florida:  
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29           Section 1. (1) The following trust funds within the  
30 Department of Agriculture and Consumer Services are terminated:

31           (a) The Florida Quarter Horse Racing Promotion Trust Fund,  
32 FLAIR number 42-2-564. All current balances remaining in the  
33 Florida Quarter Horse Racing Promotion Trust Fund, FLAIR number  
34 42-2-564, and all revenues of the fund shall be transferred to  
35 the General Inspection Trust Fund within the Department of  
36 Agriculture and Consumer Services, FLAIR number 42-2-321.

37           (b) The Florida Preservation 2000 Trust Fund, FLAIR number  
38 42-2-332. All current balances remaining in the Florida  
39 Preservation 2000 Trust Fund, FLAIR number 42-2-332, and all  
40 revenues of the fund shall be transferred to the Florida Forever  
41 Program Trust Fund within the Department of Agriculture and  
42 Consumer Services, FLAIR number 42-2-349.

43           (2) The Department of Agriculture and Consumer Services  
44 shall pay any outstanding debts and obligations of the  
45 terminated funds as soon as practicable, and the Chief Financial  
46 Officer shall close out and remove the terminated funds from  
47 various state accounting systems using generally accepted  
48 accounting principles concerning warrants outstanding, assets,  
49 and liabilities.

50           Section 2. Effective July 1, 2007, the following trust  
51 funds in the following agencies are renamed:

52           (1) The Contracts and Grants Trust Fund, FLAIR number 42-  
53 2-133, within the Department of Agriculture and Consumer  
54 Services is renamed the Federal Grants Trust Fund.

55           (2) The Administrative Trust Fund, FLAIR number 36-2-021,  
56 within the Department of the Lottery is renamed the Operating

57 Trust Fund.

58 (3) The Administrative Trust Fund, FLAIR number 7297-2-  
 59 021, within the Division of Administrative Hearings of the  
 60 Department of Management Services is renamed the Operating Trust  
 61 Fund.

62 Section 3. Effective July 1, 2007, the following accounts  
 63 with the Grants and Donations Trust Fund, FLAIR number 72-2-339,  
 64 within the Department of Management Services are transferred to  
 65 the Operating Trust Fund, FLAIR number 72-2-510, within the  
 66 Department of Management Services: 72-2-339045; 72-2-339069; 72-  
 67 2-339070; 72-2-339084; 72-2-339103; 72-2-339105; 72-2-339111;  
 68 and 72-2-339130. The Department of Management Services shall  
 69 adjust, under s. 215.32(2)(b), Florida Statutes, its internal  
 70 accounting consistent with the requirements of this section and  
 71 shall take any other budgetary action necessary to implement  
 72 this section.

73 Section 4. Paragraph (a) of subsection (2) and paragraph  
 74 (c) of subsection (4) of section 215.20, Florida Statutes, are  
 75 amended to read:

76 215.20 Certain income and certain trust funds to  
 77 contribute to the General Revenue Fund.--

78 (2) Notwithstanding the provisions of subsection (1):

79 (a) The trust funds of the Department of Citrus and the  
 80 Department of Agriculture and Consumer Services, including funds  
 81 collected in the General Inspection Trust Fund for marketing  
 82 orders and in the Florida Citrus Advertising Trust Fund, shall  
 83 be subject to a 3-percent service charge, which is hereby  
 84 appropriated to the General Revenue Fund. This paragraph does

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85 not apply to the Conservation and Recreation Lands Program Trust  
 86 Fund, ~~the Florida Quarter Horse Racing Promotion Trust Fund~~, the  
 87 Citrus Inspection Trust Fund, the Florida Forever Program Trust  
 88 Fund, ~~the Florida Preservation 2000 Trust Fund~~, the Market  
 89 Improvements Working Capital Trust Fund, the Pest Control Trust  
 90 Fund, the Plant Industry Trust Fund, or other funds collected in  
 91 the General Inspection Trust Fund in the Department of  
 92 Agriculture and Consumer Services.

93 (4) The income of a revenue nature deposited in the  
 94 following described trust funds, by whatever name designated, is  
 95 that from which the appropriations authorized by subsection (3)  
 96 shall be made:

97 (c) Within the Department of Agriculture and Consumer  
 98 Services:

99 1. The Conservation and Recreation Lands Program Trust  
 100 Fund.

101 ~~2. The Florida Quarter Horse Racing Promotion Trust Fund.~~

102 2.3. The General Inspection Trust Fund and subsidiary  
 103 accounts thereof, unless a different percentage is authorized by  
 104 s. 570.20.

105 3.4. The Division of Licensing Trust Fund.

106  
 107 The enumeration of the foregoing moneys or trust funds shall not  
 108 prohibit the applicability thereto of s. 215.24 should the  
 109 Governor determine that for the reasons mentioned in s. 215.24  
 110 the money or trust funds should be exempt herefrom, as it is the  
 111 purpose of this law to exempt income from its force and effect  
 112 when, by the operation of this law, federal matching funds or

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113 contributions or private grants to any trust fund would be lost  
 114 to the state.

115 Section 5. Subsections (7) and (8) of section 550.2625,  
 116 Florida Statutes, are amended to read:

117 550.2625 Horseracing; minimum purse requirement, Florida  
 118 breeders' and owners' awards.--

119 (7) (a) Each permitholder that conducts race meets under  
 120 this chapter and runs Appaloosa races shall pay to the division  
 121 a sum equal to the breaks plus a sum equal to 1 percent of the  
 122 total contributions to each pari-mutuel pool conducted on each  
 123 Appaloosa race. The ~~Such~~ payments shall be remitted to the  
 124 division by the 5th day of each calendar month for sums accruing  
 125 during the preceding calendar month.

126 (b) The division shall deposit these collections to the  
 127 credit of the General Inspection ~~Florida Quarter Horse Racing~~  
 128 ~~Promotion~~ Trust Fund in a special account to be known as the  
 129 "Florida Appaloosa Racing Promotion Account ~~Fund~~." The  
 130 Department of Agriculture and Consumer Services shall administer  
 131 the funds and adopt suitable and reasonable rules for the  
 132 administration thereof. The moneys in the Florida Appaloosa  
 133 Racing Promotion Account ~~Fund~~ shall be allocated solely for  
 134 supplementing and augmenting purses and prizes and for the  
 135 general promotion of owning and breeding of racing Appaloosas in  
 136 this state; and the ~~such~~ moneys may not be used to defray any  
 137 expense of the Department of Agriculture and Consumer Services  
 138 in the administration of this chapter.

139 (8) (a) Each permitholder that conducts race meets under  
 140 this chapter and runs Arabian horse races shall pay to the

141 division a sum equal to the breaks plus a sum equal to 1 percent  
 142 of the total contributions to each pari-mutuel pool conducted on  
 143 each Arabian horse race. The ~~Such~~ payments shall be remitted to  
 144 the division by the 5th day of each calendar month for sums  
 145 accruing during the preceding calendar month.

146 (b) The division shall deposit these collections to the  
 147 credit of the General Inspection ~~Florida Quarter Horse Racing~~  
 148 ~~Promotion~~ Trust Fund in a special account to be known as the  
 149 "Florida Arabian Horse Racing Promotion Account ~~Fund~~." The  
 150 Department of Agriculture and Consumer Services shall administer  
 151 the funds and adopt suitable and reasonable rules for the  
 152 administration thereof. The moneys in the Florida Arabian Horse  
 153 Racing Promotion Account ~~Fund~~ shall be allocated solely for  
 154 supplementing and augmenting purses and prizes and for the  
 155 general promotion of owning and breeding of racing Arabian  
 156 horses in this state; and the ~~such~~ moneys may not be used to  
 157 defray any expense of the Department of Agriculture and Consumer  
 158 Services in the administration of this chapter, except that the  
 159 moneys generated by Arabian horse registration fees received  
 160 pursuant to s. 570.382 may be used as provided in paragraph  
 161 (5) (b) of that section.

162 Section 6. Subsection (2) of section 550.2633, Florida  
 163 Statutes, is amended to read:

164 550.2633 Horseracing; distribution of abandoned interest  
 165 in or contributions to pari-mutuel pools.--

166 (2) All moneys or other property which has escheated to  
 167 and become the property of the state as provided herein and  
 168 which is held by a permitholder authorized to conduct pari-

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169 mutuel pools in this state shall be paid annually by the  
170 permitholder to the recipient designated in this subsection  
171 within 60 days after the close of the race meeting of the  
172 permitholder. Section 550.1645 notwithstanding, the ~~such~~ moneys  
173 shall be paid by the permitholder as follows:

174 (a) Funds from any harness horse races shall be paid to  
175 the Florida Standardbred Breeders and Owners Association and  
176 shall be used for the payment of breeders' awards, stallion  
177 awards, stallion stakes, additional purses, and prizes for, and  
178 for the general promotion of owning and breeding of, Florida-  
179 bred standardbred horses, as provided for in s. 550.2625.

180 (b) Except as provided in paragraph (c), funds from  
181 quarter horse races shall be paid to the Florida Quarter Horse  
182 Breeders and Owners Association and shall be allocated solely  
183 for supplementing and augmenting purses and prizes and for the  
184 general promotion of owning and breeding of racing quarter  
185 horses in this state, as provided for in s. 550.2625.

186 (c) Funds for Arabian horse races conducted under a  
187 quarter horse racing permit shall be deposited into the General  
188 Inspection ~~Florida Quarter Horse Racing Promotion~~ Trust Fund in  
189 a special account to be known as the "Florida Arabian Horse  
190 Racing Promotion Account ~~Fund~~" and shall be used for the payment  
191 of breeders' awards and stallion awards as provided for in s.  
192 570.382.

193 Section 7. Section 570.382, Florida Statutes, is amended  
194 to read:

195 570.382 Arabian horse racing; breeders' and stallion  
196 awards; Arabian Horse Council; horse registration fees; Florida

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197 Arabian Horse Racing Promotion Account ~~Fund~~.--

198 (1) LEGISLATIVE FINDINGS.--It is the finding of the  
199 Legislature that:

200 (a) Breed improvement is an important factor in  
201 encouraging Arabian horse racing in this state.

202 (b) Acquisition and maintenance of Arabian horse breeding  
203 farms in this state will greatly enhance the tax revenues  
204 derived by the state and counties.

205 (c) Many jobs will be created through the encouragement of  
206 the Arabian horse breeding industry in this state, thereby  
207 supplying much needed taxes and revenues to the state and  
208 counties.

209 (d) By encouraging Arabian horse breeding farms, better  
210 horses will be available for racing, thereby increasing the  
211 pari-mutuel handle which will increase taxes for the state and  
212 counties.

213 (2) POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND  
214 CONSUMER SERVICES.--The Department of Agriculture and Consumer  
215 Services shall administer this section and have the following  
216 powers and duties:

217 (a) To establish a registry for Florida-bred Arabian  
218 horses on a voluntary basis.

219 (b) To make Arabian horse breeders' and stallion awards  
220 available to qualified individuals from funds derived from the  
221 Florida Arabian Horse Racing Promotion Account ~~Fund~~ under the  
222 authority of ss. 550.2625(8) and 550.2633 and under rules  
223 adopted.

224 (c) To establish a stallion award program. In order for



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225 | the owner of the sire of a Florida-bred Arabian horse to be  
 226 | eligible for a stallion award, the following requirements must  
 227 | be met:

228 |       1. The stallion shall stand permanently in the state.

229 |       2. If the stallion is dead, it shall have stood  
 230 | permanently in the state for the year immediately prior to its  
 231 | death.

232 |       3. The removal of a stallion from this state for the  
 233 | purpose of breeding shall bar the owner of the stallion from  
 234 | receiving a stallion award for offspring sired in the state in  
 235 | the breeding season commencing January 1st of the year of the  
 236 | stallion's removal.

237 |       4. If a removed stallion is returned to the state, all  
 238 | offspring sired in the state subsequent to the stallion's return  
 239 | shall make the owner eligible for the stallion award.

240 |       (d) To maintain complete records documenting:

241 |           1. The date a stallion arrived in the state for the first  
 242 | time.

243 |           2. Whether the stallion remained in the state permanently.

244 |           3. The location of the stallion.

245 |           4. Whether the stallion is still standing in the state.

246 |           5. Awards earned, received, and distributed.

247 |       (3) ARABIAN HORSE COUNCIL.--

248 |           (a) There is created an Arabian Horse Council consisting  
 249 | of seven members as follows:

250 |           1. A representative of the Department of Agriculture and  
 251 | Consumer Services designated by the commissioner.

252 |           2. Six members appointed by the Department of Agriculture

253 and Consumer Services, the majority of whom must be Florida  
 254 breeders of racing Arabian horses.

255 (b) Each member shall serve for a term of 4 years from  
 256 date of appointment.

257 (c) At the first organizational meeting of the council,  
 258 there shall be elected a chair from the membership, and each 2  
 259 years thereafter the council shall elect a chair from its then-  
 260 constituted membership. The member representing the Department  
 261 of Agriculture and Consumer Services shall be secretary of the  
 262 council.

263 (d) Members of the council shall receive no compensation  
 264 for their services, except that they shall receive per diem and  
 265 travel expenses as provided in s. 112.061 when actually engaged  
 266 in the business of the council.

267 (e) The council shall have the following powers and  
 268 duties:

- 269 1. To recommend rules.
- 270 2. To receive and report to the Department of Agriculture  
 271 and Consumer Services complaints or violations of this section.
- 272 3. To assist the Department of Agriculture and Consumer  
 273 Services in the collection of information that the Department of  
 274 Agriculture and Consumer Services deems necessary to the proper  
 275 administration of this section.

276 (4) FRAUDULENT ACTS AND MISREPRESENTATIONS.--Any person  
 277 who registers unqualified horses or misrepresents information in  
 278 any way shall be denied any future participation in breeders'  
 279 and stallion awards, and all horses misrepresented will no  
 280 longer be deemed to be Florida-bred.

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281 (5) REGISTRATION FEES TRUST FUND.--

282 (a) To provide funds to defray the necessary expenses  
 283 incurred by the Department of Agriculture and Consumer Services  
 284 in the administration of this section:

285 1. Owners who participate in this program for Florida-bred  
 286 Arabian foals under 1 year of age shall pay to the Department of  
 287 Agriculture and Consumer Services a registration fee in the  
 288 amount of \$25 per horse.

289 2. Owners who participate in this program for Florida-bred  
 290 Arabian yearlings from 1 to 2 years of age shall pay to the  
 291 Department of Agriculture and Consumer Services a registration  
 292 fee in the amount of \$50 per horse.

293 3. Owners who participate in this program for Florida-bred  
 294 Arabian horses 2 years of age or over shall pay to the  
 295 Department of Agriculture and Consumer Services a registration  
 296 fee in the amount of \$250 per horse.

297 4. The Department of Agriculture and Consumer Services  
 298 shall charge the stallion owner a reasonable fee set by rule,  
 299 not to exceed \$100 annually, to cover all costs incurred for the  
 300 stallion award program.

301 (b) The fees collected under this subsection shall be  
 302 deposited in the General Inspection ~~Florida Quarter Horse Racing~~  
 303 ~~Promotion~~ Trust Fund in a special account to be known as the  
 304 "Florida Arabian Horse Racing Promotion Account ~~Fund~~," and the  
 305 necessary expenses incurred by the Department of Agriculture and  
 306 Consumer Services in the administration of this section shall be  
 307 paid out of the account ~~fund~~ only up to the amount of deposited  
 308 registration fees.

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309 Section 8. Paragraph (m) of subsection (1) of section  
 310 215.22, Florida Statutes, is amended to read:

311 215.22 Certain income and certain trust funds exempt.--

312 (1) The following income of a revenue nature or the  
 313 following trust funds shall be exempt from the appropriation  
 314 required by s. 215.20(1):

315 (m) The following trust funds administered by the  
 316 Department of Agriculture and Consumer Services:

- 317 1. The Citrus Inspection Trust Fund.
- 318 2. The Florida Forever Program Trust Fund.
- 319 ~~3. The Florida Preservation 2000 Trust Fund.~~
- 320 3.4. The Market Improvements Working Capital Trust Fund.
- 321 4.5. The Pest Control Trust Fund.
- 322 5.6. The Plant Industry Trust Fund.

323 Section 9. Subsection (2) of section 589.277, Florida  
 324 Statutes, is amended to read:

325 589.277 Tree planting programs.--

326 (2) Contributions from governmental and private sources  
 327 for tree planting programs may be accepted into the Federal  
 328 ~~Contracts and Grants~~ Trust Fund.

329 Section 10. Effective July 1, 2007, subsection (3) of  
 330 section 24.114, Florida Statutes, is amended to read:

331 24.114 Bank deposits and control of lottery  
 332 transactions.--

333 (3) Each retailer is liable to the department for any and  
 334 all tickets accepted or generated by any employee or  
 335 representative of that retailer, and the ~~such~~ tickets shall be  
 336 deemed to have been purchased by the retailer unless returned to

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337 the department within the time and in the manner prescribed by  
338 the department. All moneys received by ~~such~~ retailers from the  
339 sale of lottery tickets, less the amount retained as  
340 compensation for the sale of tickets and the amount paid out as  
341 prizes by the retailer, shall be held in trust prior to delivery  
342 to the department or electronic transfer to the Operating  
343 ~~Administrative~~ Trust Fund.

344 Section 11. Effective July 1, 2007, section 24.120,  
345 Florida Statutes, is amended to read:

346 24.120 Financial matters; Operating ~~Administrative~~ Trust  
347 Fund; interagency cooperation.--

348 (1) There is hereby created in the State Treasury an  
349 Operating ~~Administrative~~ Trust Fund to be administered in  
350 accordance with chapters 215 and 216 by the department. All  
351 money received by the department which remains after payment of  
352 prizes and initial compensation paid to retailers shall be  
353 deposited into the Operating ~~Administrative~~ Trust Fund. All  
354 moneys in the trust fund are appropriated to the department for  
355 the purposes specified in this act.

356 (2) Moneys available for the payment of prizes on a  
357 deferred basis shall be invested by the State Board of  
358 Administration in accordance with a trust agreement approved by  
359 the secretary and entered into between the department and the  
360 State Board of Administration in accordance with ss. 215.44-  
361 215.53. The investments authorized by this subsection shall be  
362 done in a manner designed to preserve capital and to ensure the  
363 integrity of the lottery disbursement system by eliminating the  
364 risk of payment of funds when due and to produce equal annual

365 | sums of money over the required term of the investments.

366 |       (3) Any action required by law to be taken by the Chief  
 367 | Financial Officer shall be taken within 2 business days after  
 368 | the department's request therefor. If the request for ~~such~~  
 369 | action is not approved or rejected within that time ~~such~~ period,  
 370 | the request shall be deemed to be approved. The department shall  
 371 | reimburse the Chief Financial Officer for any additional costs  
 372 | involved in providing the level of service required by this  
 373 | subsection.

374 |       (4) The department shall cooperate with the Chief  
 375 | Financial Officer, the Auditor General, and the Office of  
 376 | Program Policy Analysis and Government Accountability by giving  
 377 | employees designated by any of them access to facilities of the  
 378 | department for the purpose of efficient compliance with their  
 379 | respective responsibilities.

380 |       (5) With respect to any reimbursement that the department  
 381 | is required to pay to any state agency, the department may enter  
 382 | into an agreement with a ~~such~~ state agency under which the  
 383 | department shall pay to the ~~such~~ state agency an amount  
 384 | reasonably anticipated to cover the ~~such~~ reimbursable expenses  
 385 | in advance of the ~~such~~ expenses being incurred.

386 |       (6) The Department of Management Services may authorize a  
 387 | sales incentive program for employees of the department for the  
 388 | purpose of increasing the sales volume and distribution of  
 389 | lottery tickets. Payments pursuant to the ~~such~~ program shall not  
 390 | be construed to be lump-sum salary bonuses.

391 |       Section 12. Effective July 1, 2007, subsections (3) and  
 392 | (4) of section 24.121, Florida Statutes, are amended to read:

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393 24.121 Allocation of revenues and expenditure of funds for  
394 public education.--

395 (3) The funds remaining in the Operating ~~Administrative~~  
396 Trust Fund after transfers to the Educational Enhancement Trust  
397 Fund shall be used for the payment of administrative expenses of  
398 the department. These expenses shall include all costs incurred  
399 in the operation and administration of the lottery and all costs  
400 resulting from any contracts entered into for the purchase or  
401 lease of goods or services required by the lottery, including,  
402 but not limited to:

403 (a) The compensation paid to retailers;

404 (b) The costs of supplies, materials, tickets, independent  
405 audit services, independent studies, data transmission,  
406 advertising, promotion, incentives, public relations,  
407 communications, security, bonding for retailers, printing,  
408 distribution of tickets, and reimbursing other governmental  
409 entities for services provided to the lottery; and

410 (c) The costs of any other goods and services necessary  
411 for effectuating the purposes of this act.

412 (4) The unencumbered balance that ~~which~~ remains in the  
413 Operating ~~Administrative~~ Trust Fund at the end of each fiscal  
414 year shall be transferred to the Educational Enhancement Trust  
415 Fund.

416 Section 13. Effective July 1, 2007, paragraphs (b), (c),  
417 and (d) of subsection (1) of section 403.518, Florida Statutes,  
418 are amended to read:

419 403.518 Fees; disposition.--

420 (1) The department shall charge the applicant the

421 following fees, as appropriate, which shall be paid into the  
 422 Florida Permit Fee Trust Fund:

423 (b) An application fee, which shall not exceed \$200,000.  
 424 The fee shall be fixed by rule on a sliding scale related to the  
 425 size, type, ultimate site capacity, increase in generating  
 426 capacity proposed by the application, or the number and size of  
 427 local governments in whose jurisdiction the electrical power  
 428 plant is located.

429 1. Sixty percent of the fee shall go to the department to  
 430 cover any costs associated with reviewing and acting upon the  
 431 application, to cover any field services associated with  
 432 monitoring construction and operation of the facility, and to  
 433 cover the costs of the public notices published by the  
 434 department.

435 2. Twenty percent of the fee or \$25,000, whichever is  
 436 greater, shall be transferred to the Operating ~~Administrative~~  
 437 Trust Fund of the Division of Administrative Hearings of the  
 438 Department of Management Services.

439 3. Upon written request with proper itemized accounting  
 440 within 90 days after final agency action by the board or  
 441 withdrawal of the application, the department shall reimburse  
 442 the Department of Community Affairs, the Fish and Wildlife  
 443 Conservation Commission, and any water management district  
 444 created pursuant to chapter 373, regional planning council, and  
 445 local government in the jurisdiction of which the proposed  
 446 electrical power plant is to be located, and any other agency  
 447 from which the department requests special studies pursuant to  
 448 s. 403.507(2)(a)7. The ~~Such~~ reimbursement shall be authorized



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449 for the preparation of any studies required of the agencies by  
450 this act, and for agency travel and per diem to attend any  
451 hearing held pursuant to this act, and for local governments to  
452 participate in the proceedings. In the event the amount  
453 available for allocation is insufficient to provide for complete  
454 reimbursement to the agencies, reimbursement shall be on a  
455 prorated basis.

456 4. If any sums are remaining, the department shall retain  
457 them for its use in the same manner as is otherwise authorized  
458 by this act; provided, however, that if the certification  
459 application is withdrawn, the remaining sums shall be refunded  
460 to the applicant within 90 days after withdrawal.

461 (c) A certification modification fee, which shall not  
462 exceed \$30,000. The fee shall be submitted to the department  
463 with a formal petition for modification to the department  
464 pursuant to s. 403.516. This fee shall be established,  
465 disbursed, and processed in the same manner as the application  
466 fee in paragraph (b), except that the Division of Administrative  
467 Hearings shall not receive a portion of the fee unless the  
468 petition for certification modification is referred to the  
469 Division of Administrative Hearings for hearing. If the petition  
470 is so referred, only \$10,000 of the fee shall be transferred to  
471 the Operating ~~Administrative~~ Trust Fund of the Division of  
472 Administrative Hearings of the Department of Management  
473 Services. The fee for a modification by agreement filed pursuant  
474 to s. 403.516(1)(b) shall be \$10,000 to be paid upon the filing  
475 of the request for modification. Any sums remaining after  
476 payment of authorized costs shall be refunded to the applicant

477 within 90 days of issuance or denial of the modification or  
 478 withdrawal of the request for modification.

479 (d) A supplemental application fee, not to exceed \$75,000,  
 480 to cover all reasonable expenses and costs of the review,  
 481 processing, and proceedings of a supplemental application. This  
 482 fee shall be established, disbursed, and processed in the same  
 483 manner as the certification application fee in paragraph (b),  
 484 except that only \$20,000 of the fee shall be transferred to the  
 485 Operating Administrative Trust Fund of the Division of  
 486 Administrative Hearings of the Department of Management  
 487 Services.

488 Section 14. Effective July 1, 2007, paragraph (b) of  
 489 subsection (1) of section 403.5365, Florida Statutes, is amended  
 490 to read:

491 403.5365 Fees; disposition.--The department shall charge  
 492 the applicant the following fees, as appropriate, which shall be  
 493 paid into the Florida Permit Fee Trust Fund:

494 (1) An application fee of \$100,000, plus \$750 per mile for  
 495 each mile of corridor in which the transmission line right-of-  
 496 way is proposed to be located within an existing electrical  
 497 transmission line right-of-way or within any existing right-of-  
 498 way for any road, highway, railroad, or other aboveground linear  
 499 facility, or \$1,000 per mile for each mile of transmission line  
 500 corridor proposed to be located outside the ~~such~~ existing right-  
 501 of-way.

502 (b) Twenty percent of the fees specified under this  
 503 section, except postcertification fees, shall be transferred to  
 504 the Operating Administrative Trust Fund of the Division of

505 Administrative Hearings of the Department of Management  
 506 Services.

507 Section 15. Effective July 1, 2007, paragraph (b) of  
 508 subsection (5) of section 403.9421, Florida Statutes, is amended  
 509 to read:

510 403.9421 Fees; disposition.--The department shall charge  
 511 the applicant the following fees, as appropriate, which shall be  
 512 paid into the Florida Permit Fee Trust Fund:

513 (5) In administering fee revenues received under this  
 514 section, the department shall allocate the funds as follows:

515 (b) Sixteen percent of the fees specified under this  
 516 section, except for postcertification fees, shall be transferred  
 517 to the Operating Administrative Trust Fund of the Division of  
 518 Administrative Hearings to cover its costs associated with  
 519 reviewing and hearing applications, amendments, modifications,  
 520 and disputes related to ss. 403.9401-403.9425.

521 Section 16. Effective July 1, 2007, subsection (11) of  
 522 section 552.40, Florida Statutes, is amended to read:

523 552.40 Administrative remedy for alleged damage due to the  
 524 use of explosives in connection with construction materials  
 525 mining activities.--

526 (11) The filing fees paid pursuant to subsection (1) shall  
 527 be deposited into the Operating Administrative Trust Fund of the  
 528 Division of Administrative Hearings to defray the expenses and  
 529 costs associated with the administration of ss. 552.32-552.44.

530 Section 17. Effective July 1, 2007, subsection (4) of  
 531 section 282.22, Florida Statutes, is amended to read:

532 282.22 State Technology Office; production, dissemination,

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533 and ownership of materials and products.--

534 (4) All proceeds from the sale of such materials and  
 535 products or other money collected pursuant to this section shall  
 536 be deposited into the Operating Grants ~~and Donations~~ Trust Fund  
 537 of the office and, when properly budgeted as approved by the  
 538 Legislature and the Executive Office of the Governor, used to  
 539 pay the cost of producing and disseminating materials and  
 540 products to carry out the intent of this section.

541 Section 18. Effective July 1, 2007, paragraph (h) of  
 542 subsection (1) and paragraphs (b) and (c) of subsection (15) of  
 543 section 287.042, Florida Statutes, are amended to read:

544 287.042 Powers, duties, and functions.--The department  
 545 shall have the following powers, duties, and functions:

546 (1)

547 (h) The department may collect fees for the use of its  
 548 electronic information services. The fees may be imposed on an  
 549 individual transaction basis or as a fixed subscription for a  
 550 designated period of time. At a minimum, the fees shall be  
 551 determined in an amount sufficient to cover the department's  
 552 projected costs of the ~~such~~ services, including overhead in  
 553 accordance with the policies of the Department of Management  
 554 Services for computing its administrative assessment. All fees  
 555 collected under ~~pursuant to~~ this paragraph shall be deposited in  
 556 the Operating Grants ~~and Donations~~ Trust Fund for disbursement  
 557 as provided by law.

558 (15)

559 (b) Each agency that has been appropriated or has existing  
 560 funds for the ~~such~~ purchases, shall, upon contract award by the

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561 department, transfer their portion of the funds into the  
562 department's Operating Grants ~~and Donations~~ Trust Fund for  
563 payment by the department. These funds shall be transferred by  
564 the Executive Office of the Governor pursuant to the agency  
565 budget amendment request provisions in chapter 216.

566 (c) Agencies that sign the ~~such~~ joint agreements are  
567 financially obligated for their portion of the agreed-upon  
568 funds. If any agency becomes more than 90 days delinquent in  
569 paying the ~~such~~ funds, the department shall certify to the Chief  
570 Financial Officer the amount due, and the Chief Financial  
571 Officer shall transfer the amount due to the Operating Grants  
572 ~~and Donations~~ Trust Fund of the department from any of the  
573 agency's available funds. The Chief Financial Officer shall  
574 report all of these ~~such~~ transfers and the reasons for the ~~such~~  
575 transfers to the Executive Office of the Governor and the  
576 legislative appropriations committees.

577 Section 19. Effective July 1, 2007, paragraph (c) of  
578 subsection (23) of section 287.057, Florida Statutes, is amended  
579 to read:

580 287.057 Procurement of commodities or contractual  
581 services.--

582 (23)

583 (c)1. The department may impose and shall collect all fees  
584 for the use of the on-line procurement systems. The ~~Such~~ fees  
585 may be imposed on an individual transaction basis or as a fixed  
586 percentage of the cost savings generated. At a minimum, the fees  
587 must be set in an amount sufficient to cover the projected costs  
588 of the ~~such~~ services, including administrative and project

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589 service costs in accordance with the policies of the department.  
590 All fees and surcharges collected under this paragraph shall be  
591 deposited in the Operating Grants and Donations Trust Fund as  
592 provided by law.

593 2. If the department contracts with a provider for on-line  
594 procurement, the department, pursuant to appropriation, shall  
595 compensate the provider from the ~~such~~ fees after the department  
596 has satisfied all ongoing costs. The provider shall report  
597 transaction data to the department each month so that the  
598 department may determine the amount due and payable to the  
599 department from each vendor.

600 3. All fees that are due and payable to the state on a  
601 transactional basis or as a fixed percentage of the cost savings  
602 generated are subject to s. 215.31 and must be remitted within  
603 40 days after receipt of payment for which the ~~such~~ fees are  
604 due. For any fees that are not remitted within 40 days, the  
605 vendor shall pay interest at the rate established under s.  
606 55.03(1) on the unpaid balance from the expiration of the 40-day  
607 period until the fees are remitted.

608 Section 20. Effective July 1, 2007, section 287.1345,  
609 Florida Statutes, is amended to read:

610 287.1345 Surcharge on users of state term contracts;  
611 deposit of proceeds collected.--The department may impose a  
612 surcharge upon users of state term contracts in order to fund  
613 the costs, including overhead, of its procurement function. The  
614 department may provide for the state term contract vendor to  
615 collect the surcharge or directly collect the fee from the  
616 public agency or eligible user involved. For the purpose of

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617 compensating vendors for expenses incurred in collecting the  
618 ~~such~~ fees, the department may authorize a vendor to retain a  
619 portion of the fees. The vendor may withhold the portion  
620 retained from the amount of fees to be remitted to the  
621 department. The department may negotiate the retainage as a  
622 percentage of the ~~such~~ fees charged to users, as a flat amount,  
623 or as any other method the department deems feasible. Vendors  
624 shall maintain accurate sales summaries for purchases made from  
625 state term contracts and shall provide the summaries to the  
626 department on a quarterly basis. Any contract remedies relating  
627 to the collection of the ~~such~~ fees from users through vendors  
628 are enforceable, including, but not limited to, liquidated  
629 damages, late fees, and the costs of collection, including  
630 attorney's fees. The fees collected pursuant to this section  
631 shall be deposited into the Operating Grants and Donations Trust  
632 Fund of the department and are subject to appropriation as  
633 provided by law. The Executive Office of the Governor may exempt  
634 transactions from the payment of the surcharge if payment of the  
635 ~~such~~ surcharge would cause the state, a political subdivision,  
636 or unit of local government to lose federal funds or in other  
637 cases where the ~~such~~ exemption is in the public interest. The  
638 fees collected pursuant to this section and interest income on  
639 the ~~such~~ fees shall not be deemed to be income of a revenue  
640 nature for purposes of chapter 215.

641 Section 21. For the purpose of incorporating the  
642 amendments made by this act to section 550.2625, Florida  
643 Statutes, in a reference thereto, subsection (4) of section  
644 550.0351, Florida Statutes, is reenacted to read:

645 550.0351 Charity racing days.--

646 (4) The total of all profits derived from the conduct of a  
 647 charity day performance must include all revenues derived from  
 648 the conduct of that racing performance, including all state  
 649 taxes that would otherwise be due to the state, except that the  
 650 daily license fee as provided in s. 550.0951(1) and the breaks  
 651 for the promotional trust funds as provided in s. 550.2625(3),  
 652 (4), (5), (7), and (8) shall be paid to the division. All other  
 653 revenues from the charity racing performance, including the  
 654 commissions, breaks, and admissions and the revenues from  
 655 parking, programs, and concessions, shall be included in the  
 656 total of all profits.

657 Section 22. Effective July 1, 2007, for the purpose of  
 658 incorporating the amendments made by this act to section  
 659 287.057, Florida Statutes, in a reference thereto, subsection  
 660 (1) of section 43.16, Florida Statutes, is reenacted to read:

661 43.16 Justice Administrative Commission; membership,  
 662 powers and duties.--

663 (1) There is hereby created a Justice Administrative  
 664 Commission, with headquarters located in the state capital. The  
 665 necessary office space for use of the commission shall be  
 666 furnished by the proper state agency in charge of state  
 667 buildings. For purposes of the fees imposed on agencies pursuant  
 668 to s. 287.057(23), the Justice Administrative Commission shall  
 669 be exempt from such fees.

670 Section 23. Effective July 1, 2007, for the purpose of  
 671 incorporating the amendments made by this act to section  
 672 287.057, Florida Statutes, in a reference thereto, subsection



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673 (41) of section 570.07, Florida Statutes, is reenacted to read:

674 570.07 Department of Agriculture and Consumer Services;  
675 functions, powers, and duties.--The department shall have and  
676 exercise the following functions, powers, and duties:

677 (41) Notwithstanding the provisions of s. 287.057(23)(a)  
678 that require all agencies to use the on-line procurement system  
679 developed by the Department of Management Services, the  
680 department may continue to use its own on-line system. However,  
681 vendors utilizing such system shall be prequalified as meeting  
682 mandatory requirements and qualifications and shall remit fees  
683 pursuant to s. 287.057(23), and any rules implementing s.  
684 287.057.

685 Section 24. Except as otherwise expressly provided in this  
686 act, this act shall take effect July 1, 2006.