

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; amending s. 794.055, F.S.; revising  
26          and providing definitions; requiring the Department of  
27          Health to contract with a statewide nonprofit association  
28          to provide assistance to rape crisis centers; providing

29 for distribution of funds; amending s. 794.056, F.S.;  
 30 providing for funds to be credited to the Rape Crisis  
 31 Program Trust Fund; providing effective dates.

32

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

34

35 Section 1. (1) The following trust funds within the  
 36 Department of Agriculture and Consumer Services are terminated:

37 (a) The Florida Quarter Horse Racing Promotion Trust Fund,  
 38 FLAIR number 42-2-564. All current balances remaining in the  
 39 Florida Quarter Horse Racing Promotion Trust Fund, FLAIR number  
 40 42-2-564, and all revenues of the fund shall be transferred to  
 41 the General Inspection Trust Fund within the Department of  
 42 Agriculture and Consumer Services, FLAIR number 42-2-321.

43 (b) The Florida Preservation 2000 Trust Fund, FLAIR number  
 44 42-2-332. All current balances remaining in the Florida  
 45 Preservation 2000 Trust Fund, FLAIR number 42-2-332, and all  
 46 revenues of the fund shall be transferred to the Florida Forever  
 47 Program Trust Fund within the Department of Agriculture and  
 48 Consumer Services, FLAIR number 42-2-349.

49 (2) The Department of Agriculture and Consumer Services  
 50 shall pay any outstanding debts and obligations of the  
 51 terminated funds as soon as practicable, and the Chief Financial  
 52 Officer shall close out and remove the terminated funds from  
 53 various state accounting systems using generally accepted  
 54 accounting principles concerning warrants outstanding, assets,  
 55 and liabilities.

56 Section 2. Effective July 1, 2007, the following trust

57 funds in the following agencies are renamed:

58 (1) The Contracts and Grants Trust Fund, FLAIR number 42-  
 59 2-133, within the Department of Agriculture and Consumer  
 60 Services is renamed the Federal Grants Trust Fund.

61 (2) The Administrative Trust Fund, FLAIR number 36-2-021,  
 62 within the Department of the Lottery is renamed the Operating  
 63 Trust Fund.

64 (3) The Administrative Trust Fund, FLAIR number 7297-2-  
 65 021, within the Division of Administrative Hearings of the  
 66 Department of Management Services is renamed the Operating Trust  
 67 Fund.

68 Section 3. Effective July 1, 2007, the following accounts  
 69 with the Grants and Donations Trust Fund, FLAIR number 72-2-339,  
 70 within the Department of Management Services are transferred to  
 71 the Operating Trust Fund, FLAIR number 72-2-510, within the  
 72 Department of Management Services: 72-2-339045; 72-2-339069; 72-  
 73 2-339070; 72-2-339084; 72-2-339103; 72-2-339105; 72-2-339111;  
 74 and 72-2-339130. The Department of Management Services shall  
 75 adjust, under s. 215.32(2)(b), Florida Statutes, its internal  
 76 accounting consistent with the requirements of this section and  
 77 shall take any other budgetary action necessary to implement  
 78 this section.

79 Section 4. Paragraph (a) of subsection (2) and paragraph  
 80 (c) of subsection (4) of section 215.20, Florida Statutes, are  
 81 amended to read:

82 215.20 Certain income and certain trust funds to  
 83 contribute to the General Revenue Fund.--

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

85 (a) The trust funds of the Department of Citrus and the  
 86 Department of Agriculture and Consumer Services, including funds  
 87 collected in the General Inspection Trust Fund for marketing  
 88 orders and in the Florida Citrus Advertising Trust Fund, shall  
 89 be subject to a 3-percent service charge, which is hereby  
 90 appropriated to the General Revenue Fund. This paragraph does  
 91 not apply to the Conservation and Recreation Lands Program Trust  
 92 Fund, ~~the Florida Quarter Horse Racing Promotion Trust Fund,~~ the  
 93 Citrus Inspection Trust Fund, the Florida Forever Program Trust  
 94 Fund, ~~the Florida Preservation 2000 Trust Fund,~~ the Market  
 95 Improvements Working Capital Trust Fund, the Pest Control Trust  
 96 Fund, the Plant Industry Trust Fund, or other funds collected in  
 97 the General Inspection Trust Fund in the Department of  
 98 Agriculture and Consumer Services.

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

103 (c) Within the Department of Agriculture and Consumer  
 104 Services:

105 1. The Conservation and Recreation Lands Program Trust  
 106 Fund.

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

108 2.3. The General Inspection Trust Fund and subsidiary  
 109 accounts thereof, unless a different percentage is authorized by  
 110 s. 570.20.

111 3.4. The Division of Licensing Trust Fund.

112

113 The enumeration of the foregoing moneys or trust funds shall not  
 114 prohibit the applicability thereto of s. 215.24 should the  
 115 Governor determine that for the reasons mentioned in s. 215.24  
 116 the money or trust funds should be exempt herefrom, as it is the  
 117 purpose of this law to exempt income from its force and effect  
 118 when, by the operation of this law, federal matching funds or  
 119 contributions or private grants to any trust fund would be lost  
 120 to the state.

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

123 550.2625 Horseracing; minimum purse requirement, Florida  
 124 breeders' and owners' awards.--

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

132 (b) The division shall deposit these collections to the  
 133 credit of the General Inspection ~~Florida Quarter Horse Racing~~  
 134 ~~Promotion~~ Trust Fund in a special account to be known as the  
 135 "Florida Appaloosa Racing Promotion Account ~~Fund~~." The  
 136 Department of Agriculture and Consumer Services shall administer  
 137 the funds and adopt suitable and reasonable rules for the  
 138 administration thereof. The moneys in the Florida Appaloosa  
 139 Racing Promotion Account ~~Fund~~ shall be allocated solely for  
 140 supplementing and augmenting purses and prizes and for the

141 | general promotion of owning and breeding of racing Appaloosas in  
 142 | this state; and the ~~such~~ moneys may not be used to defray any  
 143 | expense of the Department of Agriculture and Consumer Services  
 144 | in the administration of this chapter.

145 |       (8) (a) Each permitholder that conducts race meets under  
 146 | this chapter and runs Arabian horse races shall pay to the  
 147 | division a sum equal to the breaks plus a sum equal to 1 percent  
 148 | of the total contributions to each pari-mutuel pool conducted on  
 149 | each Arabian horse race. The ~~Such~~ payments shall be remitted to  
 150 | the division by the 5th day of each calendar month for sums  
 151 | accruing during the preceding calendar month.

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

168 |       Section 6. Subsection (2) of section 550.2633, Florida

169 Statutes, is amended to read:

170 550.2633 Horseracing; distribution of abandoned interest  
171 in or contributions to pari-mutuel pools.--

172 (2) All moneys or other property which has escheated to  
173 and become the property of the state as provided herein and  
174 which is held by a permitholder authorized to conduct pari-  
175 mutuel pools in this state shall be paid annually by the  
176 permitholder to the recipient designated in this subsection  
177 within 60 days after the close of the race meeting of the  
178 permitholder. Section 550.1645 notwithstanding, the ~~such~~ moneys  
179 shall be paid by the permitholder as follows:

180 (a) Funds from any harness horse races shall be paid to  
181 the Florida Standardbred Breeders and Owners Association and  
182 shall be used for the payment of breeders' awards, stallion  
183 awards, stallion stakes, additional purses, and prizes for, and  
184 for the general promotion of owning and breeding of, Florida-  
185 bred standardbred horses, as provided for in s. 550.2625.

186 (b) Except as provided in paragraph (c), funds from  
187 quarter horse races shall be paid to the Florida Quarter Horse  
188 Breeders and Owners Association and shall be allocated solely  
189 for supplementing and augmenting purses and prizes and for the  
190 general promotion of owning and breeding of racing quarter  
191 horses in this state, as provided for in s. 550.2625.

192 (c) Funds for Arabian horse races conducted under a  
193 quarter horse racing permit shall be deposited into the General  
194 Inspection Florida Quarter Horse Racing Promotion Trust Fund in  
195 a special account to be known as the "Florida Arabian Horse  
196 Racing Promotion Account Fund" and shall be used for the payment

197 of breeders' awards and stallion awards as provided for in s.  
 198 570.382.

199 Section 7. Section 570.382, Florida Statutes, is amended  
 200 to read:

201 570.382 Arabian horse racing; breeders' and stallion  
 202 awards; Arabian Horse Council; horse registration fees; Florida  
 203 Arabian Horse Racing Promotion Account ~~Fund~~.--

204 (1) LEGISLATIVE FINDINGS.--It is the finding of the  
 205 Legislature that:

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

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

211 (c) Many jobs will be created through the encouragement of  
 212 the Arabian horse breeding industry in this state, thereby  
 213 supplying much needed taxes and revenues to the state and  
 214 counties.

215 (d) By encouraging Arabian horse breeding farms, better  
 216 horses will be available for racing, thereby increasing the  
 217 pari-mutuel handle which will increase taxes for the state and  
 218 counties.

219 (2) POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND  
 220 CONSUMER SERVICES.--The Department of Agriculture and Consumer  
 221 Services shall administer this section and have the following  
 222 powers and duties:

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



225 (b) To make Arabian horse breeders' and stallion awards  
 226 available to qualified individuals from funds derived from the  
 227 Florida Arabian Horse Racing Promotion Account ~~Fund~~ under the  
 228 authority of ss. 550.2625(8) and 550.2633 and under rules  
 229 adopted.

230 (c) To establish a stallion award program. In order for  
 231 the owner of the sire of a Florida-bred Arabian horse to be  
 232 eligible for a stallion award, the following requirements must  
 233 be met:

234 1. The stallion shall stand permanently in the state.

235 2. If the stallion is dead, it shall have stood  
 236 permanently in the state for the year immediately prior to its  
 237 death.

238 3. The removal of a stallion from this state for the  
 239 purpose of breeding shall bar the owner of the stallion from  
 240 receiving a stallion award for offspring sired in the state in  
 241 the breeding season commencing January 1st of the year of the  
 242 stallion's removal.

243 4. If a removed stallion is returned to the state, all  
 244 offspring sired in the state subsequent to the stallion's return  
 245 shall make the owner eligible for the stallion award.

246 (d) To maintain complete records documenting:

247 1. The date a stallion arrived in the state for the first  
 248 time.

249 2. Whether the stallion remained in the state permanently.

250 3. The location of the stallion.

251 4. Whether the stallion is still standing in the state.

252 5. Awards earned, received, and distributed.

253 (3) ARABIAN HORSE COUNCIL.--

254 (a) There is created an Arabian Horse Council consisting  
255 of seven members as follows:

256 1. A representative of the Department of Agriculture and  
257 Consumer Services designated by the commissioner.

258 2. Six members appointed by the Department of Agriculture  
259 and Consumer Services, the majority of whom must be Florida  
260 breeders of racing Arabian horses.

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

263 (c) At the first organizational meeting of the council,  
264 there shall be elected a chair from the membership, and each 2  
265 years thereafter the council shall elect a chair from its then-  
266 constituted membership. The member representing the Department  
267 of Agriculture and Consumer Services shall be secretary of the  
268 council.

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

273 (e) The council shall have the following powers and  
274 duties:

275 1. To recommend rules.

276 2. To receive and report to the Department of Agriculture  
277 and Consumer Services complaints or violations of this section.

278 3. To assist the Department of Agriculture and Consumer  
279 Services in the collection of information that the Department of  
280 Agriculture and Consumer Services deems necessary to the proper

281 administration of this section.

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

287 (5) REGISTRATION FEES TRUST FUND.--

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

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

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

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

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

307 (b) The fees collected under this subsection shall be  
 308 deposited in the General Inspection ~~Florida Quarter Horse Racing~~

309 ~~Promotion~~ Trust Fund in a special account to be known as the  
 310 "Florida Arabian Horse Racing Promotion Account Fund," and the  
 311 necessary expenses incurred by the Department of Agriculture and  
 312 Consumer Services in the administration of this section shall be  
 313 paid out of the account fund only up to the amount of deposited  
 314 registration fees.

315 Section 8. Paragraph (m) of subsection (1) of section  
 316 215.22, Florida Statutes, is amended to read:

317 215.22 Certain income and certain trust funds exempt.--

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

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

- 323 1. The Citrus Inspection Trust Fund.
- 324 2. The Florida Forever Program Trust Fund.
- 325 ~~3. The Florida Preservation 2000 Trust Fund.~~
- 326 3.4. The Market Improvements Working Capital Trust Fund.
- 327 4.5. The Pest Control Trust Fund.
- 328 5.6. The Plant Industry Trust Fund.

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

331 589.277 Tree planting programs.--

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

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

337 24.114 Bank deposits and control of lottery  
 338 transactions.--

339 (3) Each retailer is liable to the department for any and  
 340 all tickets accepted or generated by any employee or  
 341 representative of that retailer, and the ~~such~~ tickets shall be  
 342 deemed to have been purchased by the retailer unless returned to  
 343 the department within the time and in the manner prescribed by  
 344 the department. All moneys received by ~~such~~ retailers from the  
 345 sale of lottery tickets, less the amount retained as  
 346 compensation for the sale of tickets and the amount paid out as  
 347 prizes by the retailer, shall be held in trust prior to delivery  
 348 to the department or electronic transfer to the Operating  
 349 ~~Administrative~~ Trust Fund.

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

352 24.120 Financial matters; Operating ~~Administrative~~ Trust  
 353 Fund; interagency cooperation.--

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

362 (2) Moneys available for the payment of prizes on a  
 363 deferred basis shall be invested by the State Board of  
 364 Administration in accordance with a trust agreement approved by

365 the secretary and entered into between the department and the  
366 State Board of Administration in accordance with ss. 215.44-  
367 215.53. The investments authorized by this subsection shall be  
368 done in a manner designed to preserve capital and to ensure the  
369 integrity of the lottery disbursement system by eliminating the  
370 risk of payment of funds when due and to produce equal annual  
371 sums of money over the required term of the investments.

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

380 (4) The department shall cooperate with the Chief  
381 Financial Officer, the Auditor General, and the Office of  
382 Program Policy Analysis and Government Accountability by giving  
383 employees designated by any of them access to facilities of the  
384 department for the purpose of efficient compliance with their  
385 respective responsibilities.

386 (5) With respect to any reimbursement that the department  
387 is required to pay to any state agency, the department may enter  
388 into an agreement with a ~~such~~ state agency under which the  
389 department shall pay to the ~~such~~ state agency an amount  
390 reasonably anticipated to cover the ~~such~~ reimbursable expenses  
391 in advance of the ~~such~~ expenses being incurred.

392 (6) The Department of Management Services may authorize a

393 sales incentive program for employees of the department for the  
 394 purpose of increasing the sales volume and distribution of  
 395 lottery tickets. Payments pursuant to the ~~such~~ program shall not  
 396 be construed to be lump-sum salary bonuses.

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

399 24.121 Allocation of revenues and expenditure of funds for  
 400 public education.--

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

409 (a) The compensation paid to retailers;

410 (b) The costs of supplies, materials, tickets, independent  
 411 audit services, independent studies, data transmission,  
 412 advertising, promotion, incentives, public relations,  
 413 communications, security, bonding for retailers, printing,  
 414 distribution of tickets, and reimbursing other governmental  
 415 entities for services provided to the lottery; and

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

418 (4) The unencumbered balance that ~~which~~ remains in the  
 419 Operating ~~Administrative~~ Trust Fund at the end of each fiscal  
 420 year shall be transferred to the Educational Enhancement Trust

421 Fund.

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

425 403.518 Fees; disposition.--

426 (1) The department shall charge the applicant the  
 427 following fees, as appropriate, which shall be paid into the  
 428 Florida Permit Fee Trust Fund:

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

435 1. Sixty percent of the fee shall go to the department to  
 436 cover any costs associated with reviewing and acting upon the  
 437 application, to cover any field services associated with  
 438 monitoring construction and operation of the facility, and to  
 439 cover the costs of the public notices published by the  
 440 department.

441 2. Twenty percent of the fee or \$25,000, whichever is  
 442 greater, shall be transferred to the Operating ~~Administrative~~  
 443 Trust Fund of the Division of Administrative Hearings of the  
 444 Department of Management Services.

445 3. Upon written request with proper itemized accounting  
 446 within 90 days after final agency action by the board or  
 447 withdrawal of the application, the department shall reimburse  
 448 the Department of Community Affairs, the Fish and Wildlife



449 Conservation Commission, and any water management district  
450 created pursuant to chapter 373, regional planning council, and  
451 local government in the jurisdiction of which the proposed  
452 electrical power plant is to be located, and any other agency  
453 from which the department requests special studies pursuant to  
454 s. 403.507(2)(a)7. The ~~Such~~ reimbursement shall be authorized  
455 for the preparation of any studies required of the agencies by  
456 this act, and for agency travel and per diem to attend any  
457 hearing held pursuant to this act, and for local governments to  
458 participate in the proceedings. In the event the amount  
459 available for allocation is insufficient to provide for complete  
460 reimbursement to the agencies, reimbursement shall be on a  
461 prorated basis.

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

467 (c) A certification modification fee, which shall not  
468 exceed \$30,000. The fee shall be submitted to the department  
469 with a formal petition for modification to the department  
470 pursuant to s. 403.516. This fee shall be established,  
471 disbursed, and processed in the same manner as the application  
472 fee in paragraph (b), except that the Division of Administrative  
473 Hearings shall not receive a portion of the fee unless the  
474 petition for certification modification is referred to the  
475 Division of Administrative Hearings for hearing. If the petition  
476 is so referred, only \$10,000 of the fee shall be transferred to

477 the Operating ~~Administrative~~ Trust Fund of the Division of  
 478 Administrative Hearings of the Department of Management  
 479 Services. The fee for a modification by agreement filed pursuant  
 480 to s. 403.516(1)(b) shall be \$10,000 to be paid upon the filing  
 481 of the request for modification. Any sums remaining after  
 482 payment of authorized costs shall be refunded to the applicant  
 483 within 90 days of issuance or denial of the modification or  
 484 withdrawal of the request for modification.

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

494 Section 14. Effective July 1, 2007, paragraph (b) of  
 495 subsection (1) of section 403.5365, Florida Statutes, is amended  
 496 to read:

497 403.5365 Fees; disposition.--The department shall charge  
 498 the applicant the following fees, as appropriate, which shall be  
 499 paid into the Florida Permit Fee Trust Fund:

500 (1) An application fee of \$100,000, plus \$750 per mile for  
 501 each mile of corridor in which the transmission line right-of-  
 502 way is proposed to be located within an existing electrical  
 503 transmission line right-of-way or within any existing right-of-  
 504 way for any road, highway, railroad, or other aboveground linear

505 facility, or \$1,000 per mile for each mile of transmission line  
 506 corridor proposed to be located outside the ~~such~~ existing right-  
 507 of-way.

508 (b) Twenty percent of the fees specified under this  
 509 section, except postcertification fees, shall be transferred to  
 510 the Operating ~~Administrative~~ Trust Fund of the Division of  
 511 Administrative Hearings of the Department of Management  
 512 Services.

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

516 403.9421 Fees; disposition.--The department shall charge  
 517 the applicant the following fees, as appropriate, which shall be  
 518 paid into the Florida Permit Fee Trust Fund:

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

521 (b) Sixteen percent of the fees specified under this  
 522 section, except for postcertification fees, shall be transferred  
 523 to the Operating ~~Administrative~~ Trust Fund of the Division of  
 524 Administrative Hearings to cover its costs associated with  
 525 reviewing and hearing applications, amendments, modifications,  
 526 and disputes related to ss. 403.9401-403.9425.

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

529 552.40 Administrative remedy for alleged damage due to the  
 530 use of explosives in connection with construction materials  
 531 mining activities.--

532 (11) The filing fees paid pursuant to subsection (1) shall

533 be deposited into the Operating ~~Administrative~~ Trust Fund of the  
 534 Division of Administrative Hearings to defray the expenses and  
 535 costs associated with the administration of ss. 552.32-552.44.

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

538 282.22 State Technology Office; production, dissemination,  
 539 and ownership of materials and products.--

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

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

550 287.042 Powers, duties, and functions.--The department  
 551 shall have the following powers, duties, and functions:

552 (1)

553 (h) The department may collect fees for the use of its  
 554 electronic information services. The fees may be imposed on an  
 555 individual transaction basis or as a fixed subscription for a  
 556 designated period of time. At a minimum, the fees shall be  
 557 determined in an amount sufficient to cover the department's  
 558 projected costs of the ~~such~~ services, including overhead in  
 559 accordance with the policies of the Department of Management  
 560 Services for computing its administrative assessment. All fees

561 collected under ~~pursuant to~~ this paragraph shall be deposited in  
 562 the Operating Grants and Donations Trust Fund for disbursement  
 563 as provided by law.

564 (15)

565 (b) Each agency that has been appropriated or has existing  
 566 funds for the ~~such~~ purchases, shall, upon contract award by the  
 567 department, transfer their portion of the funds into the  
 568 department's Operating Grants and Donations Trust Fund for  
 569 payment by the department. These funds shall be transferred by  
 570 the Executive Office of the Governor pursuant to the agency  
 571 budget amendment request provisions in chapter 216.

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

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

586 287.057 Procurement of commodities or contractual  
 587 services.--

588 (23)

589 (c)1. The department may impose and shall collect all fees  
 590 for the use of the on-line procurement systems. The ~~Such~~ fees  
 591 may be imposed on an individual transaction basis or as a fixed  
 592 percentage of the cost savings generated. At a minimum, the fees  
 593 must be set in an amount sufficient to cover the projected costs  
 594 of the ~~such~~ services, including administrative and project  
 595 service costs in accordance with the policies of the department.  
 596 All fees and surcharges collected under this paragraph shall be  
 597 deposited in the Operating Grants and Donations Trust Fund as  
 598 provided by law.

599 2. If the department contracts with a provider for on-line  
 600 procurement, the department, pursuant to appropriation, shall  
 601 compensate the provider from the ~~such~~ fees after the department  
 602 has satisfied all ongoing costs. The provider shall report  
 603 transaction data to the department each month so that the  
 604 department may determine the amount due and payable to the  
 605 department from each vendor.

606 3. All fees that are due and payable to the state on a  
 607 transactional basis or as a fixed percentage of the cost savings  
 608 generated are subject to s. 215.31 and must be remitted within  
 609 40 days after receipt of payment for which the ~~such~~ fees are  
 610 due. For any fees that are not remitted within 40 days, the  
 611 vendor shall pay interest at the rate established under s.  
 612 55.03(1) on the unpaid balance from the expiration of the 40-day  
 613 period until the fees are remitted.

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

616 287.1345 Surcharge on users of state term contracts;

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

645 the ~~such~~ fees shall not be deemed to be income of a revenue  
646 nature for purposes of chapter 215.

647 Section 21. For the purpose of incorporating the  
648 amendments made by this act to section 550.2625, Florida  
649 Statutes, in a reference thereto, subsection (4) of section  
650 550.0351, Florida Statutes, is reenacted to read:

651 550.0351 Charity racing days.--

652 (4) The total of all profits derived from the conduct of a  
653 charity day performance must include all revenues derived from  
654 the conduct of that racing performance, including all state  
655 taxes that would otherwise be due to the state, except that the  
656 daily license fee as provided in s. 550.0951(1) and the breaks  
657 for the promotional trust funds as provided in s. 550.2625(3),  
658 (4), (5), (7), and (8) shall be paid to the division. All other  
659 revenues from the charity racing performance, including the  
660 commissions, breaks, and admissions and the revenues from  
661 parking, programs, and concessions, shall be included in the  
662 total of all profits.

663 Section 22. Effective July 1, 2007, for the purpose of  
664 incorporating the amendments made by this act to section  
665 287.057, Florida Statutes, in a reference thereto, subsection  
666 (1) of section 43.16, Florida Statutes, is reenacted to read:

667 43.16 Justice Administrative Commission; membership,  
668 powers and duties.--

669 (1) There is hereby created a Justice Administrative  
670 Commission, with headquarters located in the state capital. The  
671 necessary office space for use of the commission shall be  
672 furnished by the proper state agency in charge of state



673 buildings. For purposes of the fees imposed on agencies pursuant  
 674 to s. 287.057(23), the Justice Administrative Commission shall  
 675 be exempt from such fees.

676 Section 23. Effective July 1, 2007, for the purpose of  
 677 incorporating the amendments made by this act to section  
 678 287.057, Florida Statutes, in a reference thereto, subsection  
 679 (41) of section 570.07, Florida Statutes, is reenacted to read:

680 570.07 Department of Agriculture and Consumer Services;  
 681 functions, powers, and duties.--The department shall have and  
 682 exercise the following functions, powers, and duties:

683 (41) Notwithstanding the provisions of s. 287.057(23) (a)  
 684 that require all agencies to use the on-line procurement system  
 685 developed by the Department of Management Services, the  
 686 department may continue to use its own on-line system. However,  
 687 vendors utilizing such system shall be prequalified as meeting  
 688 mandatory requirements and qualifications and shall remit fees  
 689 pursuant to s. 287.057(23), and any rules implementing s.  
 690 287.057.

691 Section 24. Paragraph (d) of subsection (2) of section  
 692 794.055, Florida Statutes, is amended, present paragraphs (h)  
 693 and (i) of that subsection are redesignated as paragraphs (i)  
 694 and (j), respectively, a new paragraph (h) is added to that  
 695 subsection, and paragraphs (a) and (b) of subsection (3) of that  
 696 section are amended, to read:

697 794.055 Access to services for victims of sexual  
 698 battery.--

699 (2) As used in this section, the term:

700 (d) "Rape crisis center" means any public or private

701 agency that provides ~~offers at least five of the~~ sexual battery  
 702 recovery services ~~in paragraph (g)~~ to victims of sexual battery  
 703 and their families and is certified by the statewide nonprofit  
 704 association.

705 (h) "Statewide nonprofit association" means the federally  
 706 recognized sexual assault coalition whose primary purpose is to  
 707 represent and provide technical assistance to rape crisis  
 708 centers.

709 (3) (a) The department shall contract with the ~~a~~ statewide  
 710 nonprofit association ~~whose primary purpose is to represent and~~  
 711 ~~provide technical assistance to rape crisis centers.~~ The  
 712 statewide nonprofit ~~This~~ association shall receive 95 percent of  
 713 the moneys appropriated from the Rape Crisis Program Trust Fund.

714 (b) Funds received under s. 938.085 shall be used to  
 715 provide sexual battery recovery services to victims and their  
 716 families. Funds shall be distributed to rape crisis centers ~~by~~  
 717 ~~county,~~ based on an allocation formula that takes into account  
 718 the population and rural characteristics of each ~~the~~ county. No  
 719 more than 15 percent of the funds shall be used for statewide  
 720 initiatives, ~~including developing service standards and a~~  
 721 ~~certification process for rape crisis centers.~~ No more than 5  
 722 percent of the funds may be used for administrative costs.

723 Section 25. Section 794.056, Florida Statutes, is amended  
 724 to read:

725 794.056 Rape Crisis Program Trust Fund.--

726 (1) The Rape Crisis Program Trust Fund is created within  
 727 the Department of Health for the purpose of providing funds for  
 728 rape crisis centers in this state. Trust fund moneys shall be

729 used exclusively for the purpose of providing services for  
730 victims of sexual assault. Funds credited to the trust fund  
731 consist of those funds collected as an additional court  
732 assessment in each case in which a defendant pleads guilty or  
733 nolo contendere to, or is found guilty of, regardless of  
734 adjudication, an offense defined in s. 784.011, s. 784.021, s.  
735 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.  
736 784.08, s. 784.081, s. 784.082, s. 784.083, s. 785.085, or s.  
737 794.011. Funds credited to the trust fund also shall include  
738 revenues provided by law, moneys appropriated by the  
739 Legislature, and grants from public or private entities.

740 (2) The Department of Health shall establish by rule  
741 criteria consistent with the provisions of s. 794.055(3)(a) for  
742 distributing moneys from the trust fund to rape crisis centers.

743 Section 26. Except as otherwise expressly provided in this  
744 act, this act shall take effect July 1, 2006.