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HB 5043, Engrossed 1

2006 Legislature

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

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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

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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):

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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.

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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

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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

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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

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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.

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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.

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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

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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~~

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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:

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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

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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

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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

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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

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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

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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

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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

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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

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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)

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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;

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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

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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

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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

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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

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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.