

By the Committee on General Government Appropriations; and
 Senator Clary

601-2143-06

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

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

2
3 Section 1. (1) The following trust funds within the
4 Department of Agriculture and Consumer Services are
5 terminated:

6 (a) The Florida Quarter Horse Racing Promotion Trust
7 Fund, FLAIR number 42-2-564. All current balances remaining in
8 the Florida Quarter Horse Racing Promotion Trust Fund, FLAIR
9 number 42-2-564, and all revenues of the fund shall be
10 transferred to the General Inspection Trust Fund within the
11 Department of Agriculture and Consumer Services, FLAIR number
12 42-2-321.

13 (b) The Florida Preservation 2000 Trust Fund, FLAIR
14 number 42-2-332. All current balances remaining in the Florida
15 Preservation 2000 Trust Fund, FLAIR number 42-2-332, and all
16 revenues of the fund shall be transferred to the Florida
17 Forever Program Trust Fund within the Department of
18 Agriculture and Consumer Services, FLAIR number 42-2-349.

19 (2) The Department of Agriculture and Consumer
20 Services shall pay any outstanding debts and obligations of
21 the terminated funds as soon as practicable, and the Chief
22 Financial Officer shall close out and remove the terminated
23 funds from various state accounting systems using generally
24 accepted accounting principles concerning warrants
25 outstanding, assets, and liabilities.

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

28 (1) Contracts and Grants Trust Fund, FLAIR number
29 42-2-133, within the Department of Agriculture and Consumer
30 Services is renamed the Federal Grants Trust Fund.

31

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

4 (3) The Administrative Trust Fund, FLAIR number
5 72-2-021, of the Division of Administrative Hearings of the
6 Department of Management Services is renamed the Operating
7 Trust Fund.

8 Section 3. Effective July 1, 2007, the following
9 accounts within the Grants and Donations Trust Fund, FLAIR
10 number 72-2-339, within the Department of Management Services
11 are transferred to the Operating Trust Fund, FLAIR number
12 72-2-510, within the Department of Management Services:
13 72-2-339045; 72-2-339069; 72-2-339070; 72-2-339084;
14 72-2-339103; 72-2-339105; 72-2-339111; and 72-2-339130. The
15 Department of Management Services shall adjust, pursuant to s.
16 215.32(2)(b), Florida Statutes, its internal accounting
17 consistent with the requirements of this section and shall
18 take any other budgetary action necessary to implement this
19 section.

20 Section 4. Paragraph (a) of subsection (2) and
21 paragraph (c) of subsection (4) of section 215.20, Florida
22 Statutes, are amended to read:

23 215.20 Certain income and certain trust funds to
24 contribute to the General Revenue Fund.--

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

26 (a) The trust funds of the Department of Citrus and
27 the Department of Agriculture and Consumer Services, including
28 funds collected in the General Inspection Trust Fund for
29 marketing orders and in the Florida Citrus Advertising Trust
30 Fund, shall be subject to a 3-percent service charge, which is
31 hereby appropriated to the General Revenue Fund. This

1 paragraph does not apply to the Conservation and Recreation
2 Lands Program Trust Fund, ~~the Florida Quarter Horse Racing~~
3 ~~Promotion Trust Fund~~, the Citrus Inspection Trust Fund, the
4 Florida Forever Program Trust Fund, ~~the Florida Preservation~~
5 ~~2000 Trust Fund~~, the Market Improvements Working Capital Trust
6 Fund, the Pest Control Trust Fund, the Plant Industry Trust
7 Fund, or other funds collected in the General Inspection Trust
8 Fund in the Department of Agriculture and Consumer Services.

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

13 (c) Within the Department of Agriculture and Consumer
14 Services:

15 1. The Conservation and Recreation Lands Program Trust
16 Fund.

17 ~~2. The Florida Quarter Horse Racing Promotion Trust~~
18 ~~Fund.~~

19 2.3. The General Inspection Trust Fund and subsidiary
20 accounts thereof, unless a different percentage is authorized
21 by s. 570.20.

22 3.4. The Division of Licensing Trust Fund.

23
24 The enumeration of the foregoing moneys or trust funds shall
25 not prohibit the applicability thereto of s. 215.24 should the
26 Governor determine that for the reasons mentioned in s. 215.24
27 the money or trust funds should be exempt herefrom, as it is
28 the purpose of this law to exempt income from its force and
29 effect when, by the operation of this law, federal matching
30 funds or contributions or private grants to any trust fund
31 would be lost to the state.

1 Section 5. Subsections (7) and (8) of section
2 550.2625, Florida Statutes, are amended to read:

3 550.2625 Horseracing; minimum purse requirement,
4 Florida breeders' and owners' awards.--

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

12 (b) The division shall deposit these collections to
13 the credit of the General Inspection ~~Florida Quarter Horse~~
14 ~~Racing Promotion~~ Trust Fund in a special account to be known
15 as the "Florida Appaloosa Racing Promotion Account Fund." The
16 Department of Agriculture and Consumer Services shall
17 administer the funds and adopt suitable and reasonable rules
18 for the administration thereof. The moneys in the Florida
19 Appaloosa Racing Promotion Account Fund shall be allocated
20 solely for supplementing and augmenting purses and prizes and
21 for the general promotion of owning and breeding of racing
22 Appaloosas in this state; and ~~the such~~ moneys may not be used
23 to defray any expense of the Department of Agriculture and
24 Consumer Services in the administration of this chapter.

25 (8)(a) Each permitholder that conducts race meets
26 under this chapter and runs Arabian horse races shall pay to
27 the division a sum equal to the breaks plus a sum equal to 1
28 percent of the total contributions to each pari-mutuel pool
29 conducted on each Arabian horse race. ~~The Such~~ payments shall
30 be remitted to the division by the 5th day of each calendar
31 month for sums accruing during the preceding calendar month.

1 (b) The division shall deposit these collections to
2 the credit of the General Inspection ~~Florida Quarter Horse~~
3 ~~Racing Promotion~~ Trust Fund in a special account to be known
4 as the "Florida Arabian Horse Racing Promotion Account ~~Fund~~."
5 The Department of Agriculture and Consumer Services shall
6 administer the funds and adopt suitable and reasonable rules
7 for the administration thereof. The moneys in the Florida
8 Arabian Horse Racing Promotion Account ~~Fund~~ shall be allocated
9 solely for supplementing and augmenting purses and prizes and
10 for the general promotion of owning and breeding of racing
11 Arabian horses in this state; and ~~the such~~ moneys may not be
12 used to defray any expense of the Department of Agriculture
13 and Consumer Services in the administration of this chapter,
14 except that the moneys generated by Arabian horse registration
15 fees received pursuant to s. 570.382 may be used as provided
16 in paragraph (5)(b) of that section.

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

19 550.2633 Horseracing; distribution of abandoned
20 interest in or contributions to pari-mutuel pools.--

21 (2) All moneys or other property which has escheated
22 to and become the property of the state as provided herein and
23 which is held by a permitholder authorized to conduct
24 pari-mutuel pools in this state shall be paid annually by the
25 permitholder to the recipient designated in this subsection
26 within 60 days after the close of the race meeting of the
27 permitholder. Section 550.1645 notwithstanding, ~~the such~~
28 moneys shall be paid by the permitholder as follows:

29 (a) Funds from any harness horse races shall be paid
30 to the Florida Standardbred Breeders and Owners Association
31 and shall be used for the payment of breeders' awards,

1 stallion awards, stallion stakes, additional purses, and
2 prizes for, and for the general promotion of owning and
3 breeding of, Florida-bred standardbred horses, as provided for
4 in s. 550.2625.

5 (b) Except as provided in paragraph (c), funds from
6 quarter horse races shall be paid to the Florida Quarter Horse
7 Breeders and Owners Association and shall be allocated solely
8 for supplementing and augmenting purses and prizes and for the
9 general promotion of owning and breeding of racing quarter
10 horses in this state, as provided for in s. 550.2625.

11 (c) Funds for Arabian horse races conducted under a
12 quarter horse racing permit shall be deposited into the
13 General Inspection ~~Florida Quarter Horse Racing Promotion~~
14 Trust Fund in a special account to be known as the "Florida
15 Arabian Horse Racing Promotion Account Fund" and shall be used
16 for the payment of breeders' awards and stallion awards as
17 provided for in s. 570.382.

18 Section 7. Paragraph (b) of subsection (2) and
19 paragraph (b) of subsection (5) of section 570.382, Florida
20 Statutes, are amended to read:

21 570.382 Arabian horse racing; breeders' and stallion
22 awards; Arabian Horse Council; horse registration fees;
23 Florida Arabian Horse Racing Promotion Fund.--

24 (2) POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE
25 AND CONSUMER SERVICES.--The Department of Agriculture and
26 Consumer Services shall administer this section and have the
27 following powers and duties:

28 (b) To make Arabian horse breeders' and stallion
29 awards available to qualified individuals from funds derived
30 from the Florida Arabian Horse Racing Promotion Account Fund
31

1 under the authority of ss. 550.2625(8) and 550.2633 and under
2 rules adopted.

3 (5) REGISTRATION FEES TRUST FUND.--

4 (b) The fees collected under this subsection shall be
5 deposited in the General Inspection ~~Florida Quarter Horse~~
6 ~~Racing Promotion~~ Trust Fund in a special account to be known
7 as the "Florida Arabian Horse Racing Promotion Account Fund,"
8 and the necessary expenses incurred by the Department of
9 Agriculture and Consumer Services in the administration of
10 this section shall be paid out of the fund only up to the
11 amount of deposited registration fees.

12 Section 8. Paragraph (m) of subsection (1) of section
13 215.22, Florida Statutes, is amended to read:

14 215.22 Certain income and certain trust funds
15 exempt.--

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

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

21 1. The Citrus Inspection Trust Fund.

22 2. The Florida Forever Program Trust Fund.

23 ~~3. The Florida Preservation 2000 Trust Fund.~~

24 3.4. The Market Improvements Working Capital Trust
25 Fund.

26 4.5. The Pest Control Trust Fund.

27 5.6. The Plant Industry Trust Fund.

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

30 589.277 Tree planting programs.--

31

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

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

6 24.114 Bank deposits and control of lottery
7 transactions.--

8 (3) Each retailer is liable to the department for any
9 and all tickets accepted or generated by any employee or
10 representative of that retailer, and the ~~such~~ tickets shall be
11 deemed to have been purchased by the retailer unless returned
12 to the department within the time and in the manner prescribed
13 by the department. All moneys received by such retailers from
14 the sale of lottery tickets, less the amount retained as
15 compensation for the sale of tickets and the amount paid out
16 as prizes by the retailer, shall be held in trust prior to
17 delivery to the department or electronic transfer to the
18 Operating Administrative Trust Fund.

19 Section 11. Effective July 1, 2007, subsection (1) of
20 section 24.120, Florida Statutes, is amended to read:

21 24.120 Financial matters; Operating Administrative
22 Trust Fund; interagency cooperation.--

23 (1) There is hereby created in the State Treasury an
24 Operating Administrative Trust Fund to be administered in
25 accordance with chapters 215 and 216 by the department. All
26 money received by the department which remains after payment
27 of prizes and initial compensation paid to retailers shall be
28 deposited into the Operating Administrative Trust Fund. All
29 moneys in the trust fund are appropriated to the department
30 for the purposes specified in this act.
31

1 (2) Moneys available for the payment of prizes on a
2 deferred basis shall be invested by the State Board of
3 Administration in accordance with a trust agreement approved
4 by the secretary and entered into between the department and
5 the State Board of Administration in accordance with ss.
6 215.44-215.53. The investments authorized by this subsection
7 shall be done in a manner designed to preserve capital and to
8 ensure the integrity of the lottery disbursement system by
9 eliminating the risk of payment of funds when due and to
10 produce equal annual sums of money over the required term of
11 the investments.

12 (3) Any action required by law to be taken by the
13 Chief Financial Officer shall be taken within 2 business days
14 after the department's request therefor. If the request for
15 such action is not approved or rejected within such period,
16 the request shall be deemed to be approved. The department
17 shall reimburse the Chief Financial Officer for any additional
18 costs involved in providing the level of service required by
19 this subsection.

20 (4) The department shall cooperate with the Chief
21 Financial Officer, the Auditor General, and the Office of
22 Program Policy Analysis and Government Accountability by
23 giving employees designated by any of them access to
24 facilities of the department for the purpose of efficient
25 compliance with their respective responsibilities.

26 (5) With respect to any reimbursement that the
27 department is required to pay to any state agency, the
28 department may enter into an agreement with such state agency
29 under which the department shall pay to such state agency an
30 amount reasonably anticipated to cover such reimbursable
31 expenses in advance of such expenses being incurred.

1 (6) The Department of Management Services may
2 authorize a sales incentive program for employees of the
3 department for the purpose of increasing the sales volume and
4 distribution of lottery tickets. Payments pursuant to such
5 program shall not be construed to be lump-sum salary bonuses.

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

9 24.121 Allocation of revenues and expenditure of funds
10 for public education.--

11 (3) The funds remaining in the Operating
12 ~~Administrative~~ Trust Fund after transfers to the Educational
13 Enhancement Trust Fund shall be used for the payment of
14 administrative expenses of the department. These expenses
15 shall include all costs incurred in the operation and
16 administration of the lottery and all costs resulting from any
17 contracts entered into for the purchase or lease of goods or
18 services required by the lottery, including, but not limited
19 to:

20 (a) The compensation paid to retailers;

21 (b) The costs of supplies, materials, tickets,
22 independent audit services, independent studies, data
23 transmission, advertising, promotion, incentives, public
24 relations, communications, security, bonding for retailers,
25 printing, distribution of tickets, and reimbursing other
26 governmental entities for services provided to the lottery;
27 and

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

30 (4) The unencumbered balance ~~that~~ which remains in the
31 Operating ~~Administrative~~ Trust Fund at the end of each fiscal

1 year shall be transferred to the Educational Enhancement Trust
2 Fund.

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

6 403.518 Fees; disposition.--

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

10 (b) An application fee, which shall not exceed
11 \$200,000. The fee shall be fixed by rule on a sliding scale
12 related to the size, type, ultimate site capacity, increase in
13 generating capacity proposed by the application, or the number
14 and size of local governments in whose jurisdiction the
15 electrical power plant is located.

16 1. Sixty percent of the fee shall go to the department
17 to cover any costs associated with reviewing and acting upon
18 the application, to cover any field services associated with
19 monitoring construction and operation of the facility, and to
20 cover the costs of the public notices published by the
21 department.

22 2. Twenty percent of the fee or \$25,000, whichever is
23 greater, shall be transferred to the Operating Administrative
24 Trust Fund of the Division of Administrative Hearings of the
25 Department of Management Services.

26 3. Upon written request with proper itemized
27 accounting within 90 days after final agency action by the
28 board or withdrawal of the application, the department shall
29 reimburse the Department of Community Affairs, the Fish and
30 Wildlife Conservation Commission, and any water management
31 district created pursuant to chapter 373, regional planning

1 council, and local government in the jurisdiction of which the
2 proposed electrical power plant is to be located, and any
3 other agency from which the department requests special
4 studies pursuant to s. 403.507(2)(a)7. Such reimbursement
5 shall be authorized for the preparation of any studies
6 required of the agencies by this act, and for agency travel
7 and per diem to attend any hearing held pursuant to this act,
8 and for local governments to participate in the proceedings.
9 In the event the amount available for allocation is
10 insufficient to provide for complete reimbursement to the
11 agencies, reimbursement shall be on a prorated basis.

12 4. If any sums are remaining, the department shall
13 retain them for its use in the same manner as is otherwise
14 authorized by this act; provided, however, that if the
15 certification application is withdrawn, the remaining sums
16 shall be refunded to the applicant within 90 days after
17 withdrawal.

18 (c) A certification modification fee, which shall not
19 exceed \$30,000. The fee shall be submitted to the department
20 with a formal petition for modification to the department
21 pursuant to s. 403.516. This fee shall be established,
22 disbursed, and processed in the same manner as the application
23 fee in paragraph (b), except that the Division of
24 Administrative Hearings shall not receive a portion of the fee
25 unless the petition for certification modification is referred
26 to the Division of Administrative Hearings for hearing. If
27 the petition is so referred, only \$10,000 of the fee shall be
28 transferred to the Operating Administrative Trust Fund of the
29 Division of Administrative Hearings of the Department of
30 Management Services. The fee for a modification by agreement
31 filed pursuant to s. 403.516(1)(b) shall be \$10,000 to be paid

1 upon the filing of the request for modification. Any sums
2 remaining after payment of authorized costs shall be refunded
3 to the applicant within 90 days of issuance or denial of the
4 modification or withdrawal of the request for modification.

5 (d) A supplemental application fee, not to exceed
6 \$75,000, to cover all reasonable expenses and costs of the
7 review, processing, and proceedings of a supplemental
8 application. This fee shall be established, disbursed, and
9 processed in the same manner as the certification application
10 fee in paragraph (b), except that only \$20,000 of the fee
11 shall be transferred to the Operating Administrative Trust
12 Fund of the Division of Administrative Hearings of the
13 Department of Management Services.

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

17 403.5365 Fees; disposition.--The department shall
18 charge the applicant the following fees, as appropriate, which
19 shall be paid into the Florida Permit Fee Trust Fund:

20 (1) An application fee of \$100,000, plus \$750 per mile
21 for each mile of corridor in which the transmission line
22 right-of-way is proposed to be located within an existing
23 electrical transmission line right-of-way or within any
24 existing right-of-way for any road, highway, railroad, or
25 other aboveground linear facility, or \$1,000 per mile for each
26 mile of transmission line corridor proposed to be located
27 outside such existing right-of-way.

28 (b) Twenty percent of the fees specified under this
29 section, except postcertification fees, shall be transferred
30 to the Operating Administrative Trust Fund of the Division of
31

1 Administrative Hearings of the Department of Management
2 Services.

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

6 403.9421 Fees; disposition.--The department shall
7 charge the applicant the following fees, as appropriate, which
8 shall be paid into the Florida Permit Fee Trust Fund:

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

11 (b) Sixteen percent of the fees specified under this
12 section, except for postcertification fees, shall be
13 transferred to the Operating Administrative Trust Fund of the
14 Division of Administrative Hearings to cover its costs
15 associated with reviewing and hearing applications,
16 amendments, modifications, and disputes related to ss.
17 403.9401-403.9425.

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

20 552.40 Administrative remedy for alleged damage due to
21 the use of explosives in connection with construction
22 materials mining activities.--

23 (11) The filing fees paid pursuant to subsection (1)
24 shall be deposited into the Operating Administrative Trust
25 Fund of the Division of Administrative Hearings to defray the
26 expenses and costs associated with the administration of ss.
27 552.32-552.44.

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

30 282.22 State Technology Office; production,
31 dissemination, and ownership of materials and products.--

1 (4) All proceeds from the sale of such materials and
2 products or other money collected under ~~pursuant to~~ this
3 section shall be deposited into the Operating Grants and
4 ~~Donations~~ Trust Fund of the office and, when properly budgeted
5 as approved by the Legislature and the Executive Office of the
6 Governor, used to pay the cost of producing and disseminating
7 materials and products to carry out the intent of this
8 section.

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

12 287.042 Powers, duties, and functions.--The department
13 shall have the following powers, duties, and functions:

14 (1)

15 (h) The department may collect fees for the use of its
16 electronic information services. The fees may be imposed on an
17 individual transaction basis or as a fixed subscription for a
18 designated period of time. At a minimum, the fees shall be
19 determined in an amount sufficient to cover the department's
20 projected costs of such services, including overhead in
21 accordance with the policies of the Department of Management
22 Services for computing its administrative assessment. All
23 fees collected under ~~pursuant to~~ this paragraph shall be
24 deposited in the Operating Grants and ~~Donations~~ Trust Fund for
25 disbursement as provided by law.

26 (15)

27 (b) Each agency that has been appropriated or has
28 existing funds for such purchases, shall, upon contract award
29 by the department, transfer their portion of the funds into
30 the department's Operating Grants and ~~Donations~~ Trust Fund for
31 payment by the department. These funds shall be transferred

1 by the Executive Office of the Governor pursuant to the agency
2 budget amendment request provisions in chapter 216.

3 (c) Agencies that sign such joint agreements are
4 financially obligated for their portion of the agreed-upon
5 funds. If any agency becomes more than 90 days delinquent in
6 paying the ~~such~~ funds, the department shall certify to the
7 Chief Financial Officer the amount due, and the Chief
8 Financial Officer shall transfer the amount due to the
9 Operating Grants and Donations Trust Fund of the department
10 from any of the agency's available funds. The Chief Financial
11 Officer shall report all such transfers and the reasons for
12 such transfers to the Executive Office of the Governor and the
13 legislative appropriations committees.

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

17 287.057 Procurement of commodities or contractual
18 services.--

19 (23)

20 (c)1. The department may impose and shall collect all
21 fees for the use of the on-line procurement systems. Such fees
22 may be imposed on an individual transaction basis or as a
23 fixed percentage of the cost savings generated. At a minimum,
24 the fees must be set in an amount sufficient to cover the
25 projected costs of such services, including administrative and
26 project service costs in accordance with the policies of the
27 department. All fees and surcharges collected under this
28 paragraph shall be deposited in the Operating Grants and
29 ~~Donations~~ Trust Fund as provided by law.

30 2. If the department contracts with a provider for
31 on-line procurement, the department, pursuant to

1 appropriation, shall compensate the provider from such fees
2 after the department has satisfied all ongoing costs. The
3 provider shall report transaction data to the department each
4 month so that the department may determine the amount due and
5 payable to the department from each vendor.

6 3. All fees that are due and payable to the state on a
7 transactional basis or as a fixed percentage of the cost
8 savings generated are subject to s. 215.31 and must be
9 remitted within 40 days after receipt of payment for which
10 such fees are due. For any fees that are not remitted within
11 40 days, the vendor shall pay interest at the rate established
12 under s. 55.03(1) on the unpaid balance from the expiration of
13 the 40-day period until the fees are remitted.

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

16 287.1345 Surcharge on users of state term contracts;
17 deposit of proceeds collected.--The department may impose a
18 surcharge upon users of state term contracts in order to fund
19 the costs, including overhead, of its procurement function.
20 The department may provide for the state term contract vendor
21 to collect the surcharge or directly collect the fee from the
22 public agency or eligible user involved. For the purpose of
23 compensating vendors for expenses incurred in collecting such
24 fees, the department may authorize a vendor to retain a
25 portion of the fees. The vendor may withhold the portion
26 retained from the amount of fees to be remitted to the
27 department. The department may negotiate the retainage as a
28 percentage of such fees charged to users, as a flat amount, or
29 as any other method the department deems feasible. Vendors
30 shall maintain accurate sales summaries for purchases made
31 from state term contracts and shall provide the summaries to

1 | the department on a quarterly basis. Any contract remedies
2 | relating to the collection of such fees from users through
3 | vendors are enforceable, including, but not limited to,
4 | liquidated damages, late fees, and the costs of collection,
5 | including attorney's fees. The fees collected pursuant to this
6 | section shall be deposited into the Operating Grants and
7 | ~~Donations~~ Trust Fund of the department and are subject to
8 | appropriation as provided by law. The Executive Office of the
9 | Governor may exempt transactions from the payment of the
10 | surcharge if payment of such surcharge would cause the state,
11 | a political subdivision, or unit of local government to lose
12 | federal funds or in other cases where such exemption is in the
13 | public interest. The fees collected pursuant to this section
14 | and interest income on such fees shall not be deemed to be
15 | income of a revenue nature for purposes of chapter 215.

16 | Section 21. For the purpose of incorporating the
17 | amendments made by this act to section 550.2625, Florida
18 | Statutes, in a reference thereto, subsection (4) of section
19 | 550.0351, Florida Statutes, is reenacted to read:

20 | 550.0351 Charity racing days.--

21 | (4) The total of all profits derived from the conduct
22 | of a charity day performance must include all revenues derived
23 | from the conduct of that racing performance, including all
24 | state taxes that would otherwise be due to the state, except
25 | that the daily license fee as provided in s. 550.0951(1) and
26 | the breaks for the promotional trust funds as provided in s.
27 | 550.2625(3), (4), (5), (7), and (8) shall be paid to the
28 | division. All other revenues from the charity racing
29 | performance, including the commissions, breaks, and admissions
30 | and the revenues from parking, programs, and concessions,
31 | shall be included in the total of all profits.

1 Section 22. For the purpose of incorporating the
2 amendments made by this act to section 287.057, Florida
3 Statutes, in a reference thereto, effective July 1, 2007,
4 subsection (1) of section 43.16, Florida Statutes, is
5 reenacted to read:

6 43.16 Justice Administrative Commission; membership,
7 powers and duties.--

8 (1) There is hereby created a Justice Administrative
9 Commission, with headquarters located in the state capital.
10 The necessary office space for use of the commission shall be
11 furnished by the proper state agency in charge of state
12 buildings. For purposes of the fees imposed on agencies
13 pursuant to s. 287.057(23), the Justice Administrative
14 Commission shall be exempt from such fees.

15 Section 23. For the purpose of incorporating the
16 amendments made by this act to section 287.057, Florida
17 Statutes, in a reference thereto, effective July 1, 2007,
18 subsection (41) of section 570.07, Florida Statutes, is
19 reenacted to read:

20 570.07 Department of Agriculture and Consumer
21 Services; functions, powers, and duties.--The department shall
22 have and exercise the following functions, powers, and duties:

23 (41) Notwithstanding the provisions of s.
24 287.057(23)(a) that require all agencies to use the on-line
25 procurement system developed by the Department of Management
26 Services, the department may continue to use its own on-line
27 system. However, vendors utilizing such system shall be
28 prequalified as meeting mandatory requirements and
29 qualifications and shall remit fees pursuant to s.
30 287.057(23), and any rules implementing s. 287.057.
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1 Section 24. Except as otherwise expressly provided in
2 this act, this act shall take effect July 1, 2006.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 826

7 This committee substitute does the following:

- 8 o Terminates the Florida Preservation 2000 Trust Fund and
9 the Quarter Horse Racing Promotion Trust Fund within the
10 Department of Agriculture and Consumer Services.
11 o Renames the Administrative Trust Fund to the Operating
12 Trust Fund in the Department of Lottery and the Division
13 of Administrative Hearings.
14 o Renames the Contracts and Grants Trust Fund to the
15 Federal Grants Trust Fund in the Department of
16 Agriculture and Consumer Services.
17 o Transfers accounts within the Department of Management
18 Services' Grants and Donations Trust Fund to the
19 Operating Trust Fund.
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