

House Bill No. 5043

An act relating to trust funds; terminating certain specified trust funds within the Department of Agriculture and Consumer Services and transferring the funds to other trust funds in the department; renaming trust funds within the Department of Agriculture and Consumer Services, the Department of the Lottery, and the Division of Administrative Hearings of the Department of Management Services; transferring certain accounts within the Grants and Donations Trust Fund of the Department of Management Services to the Operating Trust Fund of the Department of Management Services; amending ss. 215.20, 550.2625, 550.2633, 570.382, 215.22, 589.277, 24.114, 24.120, 24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22, 287.042, 287.057, and 287.1345, F.S.; conforming provisions to changes made by the act; reenacting s. 550.0351(4), F.S., relating to charity racing days, to incorporate the amendments made to s. 550.2625, F.S., in a reference thereto; reenacting ss. 43.16(1) and 570.07(41), F.S., relating to exempting the Justice Administrative Commission from certain fees and authorizing the use of the on-line procurement system of the Department of Agriculture and Consumer Services, respectively, to incorporate the amendments made to s. 287.057, F.S., in references thereto; amending s. 794.055, F.S.; revising and providing definitions; requiring the Department of Health to contract with a statewide nonprofit association to provide assistance to rape crisis centers; providing for distribution of funds; amending s. 794.056, F.S.; providing for funds to be credited to the Rape Crisis Program Trust Fund; providing effective dates.

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

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

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

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

(2) The Department of Agriculture and Consumer Services shall pay any outstanding debts and obligations of the terminated funds as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated funds from various state accounting systems using generally accepted

accounting principles concerning warrants outstanding, assets, and liabilities.

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

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

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

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

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

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

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

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

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

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

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

1. The Conservation and Recreation Lands Program Trust Fund.
- ~~2. The Florida Quarter Horse Racing Promotion Trust Fund.~~
- 2.3. The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.
- 3.4. The Division of Licensing Trust Fund.

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

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

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

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

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

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

(b) The division shall deposit these collections to the credit of the General Inspection ~~Florida Quarter Horse Racing Promotion~~ Trust Fund in a special account to be known as the “Florida Arabian Horse Racing Promotion Account Fund.” The Department of Agriculture and Consumer Services shall

administer the funds and adopt suitable and reasonable rules for the administration thereof. The moneys in the Florida Arabian Horse Racing Promotion ~~Account Fund~~ shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing Arabian horses in this state; and ~~the such~~ moneys may not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, except that the moneys generated by Arabian horse registration fees received pursuant to s. 570.382 may be used as provided in paragraph (5)(b) of that section.

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

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

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

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

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

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

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

570.382 Arabian horse racing; breeders' and stallion awards; Arabian Horse Council; horse registration fees; Florida Arabian Horse Racing Promotion Account Fund.—

(1) LEGISLATIVE FINDINGS.—It is the finding of the Legislature that:

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

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

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

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

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

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

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

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

1. The stallion shall stand permanently in the state.
2. If the stallion is dead, it shall have stood permanently in the state for the year immediately prior to its death.
3. The removal of a stallion from this state for the purpose of breeding shall bar the owner of the stallion from receiving a stallion award for offspring sired in the state in the breeding season commencing January 1st of the year of the stallion's removal.
4. If a removed stallion is returned to the state, all offspring sired in the state subsequent to the stallion's return shall make the owner eligible for the stallion award.

(d) To maintain complete records documenting:

1. The date a stallion arrived in the state for the first time.
2. Whether the stallion remained in the state permanently.
3. The location of the stallion.
4. Whether the stallion is still standing in the state.
5. Awards earned, received, and distributed.

(3) ARABIAN HORSE COUNCIL.—

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

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

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

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

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

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

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

1. To recommend rules.

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

3. To assist the Department of Agriculture and Consumer Services in the collection of information that the Department of Agriculture and Consumer Services deems necessary to the proper administration of this section.

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

(5) REGISTRATION FEES TRUST FUND.—

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

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

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

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

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

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

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

215.22 Certain income and certain trust funds exempt.—

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

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

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

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

589.277 Tree planting programs.—

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

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

24.114 Bank deposits and control of lottery transactions.—

(3) Each retailer is liable to the department for any and all tickets accepted or generated by any employee or representative of that retailer, and

the such tickets shall be deemed to have been purchased by the retailer unless returned to the department within the time and in the manner prescribed by the department. All moneys received by such retailers from the sale of lottery tickets, less the amount retained as compensation for the sale of tickets and the amount paid out as prizes by the retailer, shall be held in trust prior to delivery to the department or electronic transfer to the Operating Administrative Trust Fund.

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

24.120 Financial matters; Operating Administrative Trust Fund; interagency cooperation.—

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

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

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

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

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

(6) The Department of Management Services may authorize a sales incentive program for employees of the department for the purpose of increas-

ing the sales volume and distribution of lottery tickets. Payments pursuant to the ~~such~~ program shall not be construed to be lump-sum salary bonuses.

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

24.121 Allocation of revenues and expenditure of funds for public education.—

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

(a) The compensation paid to retailers;

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

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

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

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

403.518 Fees; disposition.—

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

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

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

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

3. Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the Department of Community Affairs, the Fish and Wildlife Conservation Commission, and any water management district created pursuant to chapter 373, regional planning council, and local government in the jurisdiction of which the proposed electrical power plant is to be located, and any other agency from which the department requests special studies pursuant to s. 403.507(2)(a)7. ~~The~~ Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for local governments to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

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

(c) A certification modification fee, which shall not exceed \$30,000. The fee shall be submitted to the department with a formal petition for modification to the department pursuant to s. 403.516. This fee shall be established, disbursed, and processed in the same manner as the application fee in paragraph (b), except that the Division of Administrative Hearings shall not receive a portion of the fee unless the petition for certification modification is referred to the Division of Administrative Hearings for hearing. If the petition is so referred, only \$10,000 of the fee shall be transferred to the Operating Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services. The fee for a modification by agreement filed pursuant to s. 403.516(1)(b) shall be \$10,000 to be paid upon the filing of the request for modification. Any sums remaining after payment of authorized costs shall be refunded to the applicant within 90 days of issuance or denial of the modification or withdrawal of the request for modification.

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

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

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

(1) An application fee of \$100,000, plus \$750 per mile for each mile of corridor in which the transmission line right-of-way is proposed to be located

within an existing electrical transmission line right-of-way or within any existing right-of-way for any road, highway, railroad, or other aboveground linear facility, or \$1,000 per mile for each mile of transmission line corridor proposed to be located outside ~~the such~~ existing right-of-way.

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

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

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

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

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

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

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

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

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

282.22 State Technology Office; production, dissemination, and ownership of materials and products.—

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

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

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(1)

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

(15)

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

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

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

287.057 Procurement of commodities or contractual services.—

(23)

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

2. If the department contracts with a provider for on-line procurement, the department, pursuant to appropriation, shall compensate the provider from the such fees after the department has satisfied all ongoing costs. The

provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

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

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

287.1345 Surcharge on users of state term contracts; deposit of proceeds collected.—The department may impose a surcharge upon users of state term contracts in order to fund the costs, including overhead, of its procurement function. The department may provide for the state term contract vendor to collect the surcharge or directly collect the fee from the public agency or eligible user involved. For the purpose of compensating vendors for expenses incurred in collecting the ~~such~~ fees, the department may authorize a vendor to retain a portion of the fees. The vendor may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of the ~~such~~ fees charged to users, as a flat amount, or as any other method the department deems feasible. Vendors shall maintain accurate sales summaries for purchases made from state term contracts and shall provide the summaries to the department on a quarterly basis. Any contract remedies relating to the collection of the ~~such~~ fees from users through vendors are enforceable, including, but not limited to, liquidated damages, late fees, and the costs of collection, including attorney's fees. The fees collected pursuant to this section shall be deposited into the Operating Grants and Donations ~~Trust Fund~~ of the department and are subject to appropriation as provided by law. The Executive Office of the Governor may exempt transactions from the payment of the surcharge if payment of the ~~such~~ surcharge would cause the state, a political subdivision, or unit of local government to lose federal funds or in other cases where the ~~such~~ exemption is in the public interest. The fees collected pursuant to this section and interest income on the ~~such~~ fees shall not be deemed to be income of a revenue nature for purposes of chapter 215.

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

550.0351 Charity racing days.—

(4) The total of all profits derived from the conduct of a charity day performance must include all revenues derived from the conduct of that racing performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in s. 550.0951(1) and the breaks for the promotional trust funds as provided in s. 550.2625(3), (4), (5), (7), and (8) shall be paid to the division. All other revenues from the

charity racing performance, including the commissions, breaks, and admissions and the revenues from parking, programs, and concessions, shall be included in the total of all profits.

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

43.16 Justice Administrative Commission; membership, powers and duties.—

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

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

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

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

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

794.055 Access to services for victims of sexual battery.—

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

(d) “Rape crisis center” means any public or private agency that provides offers at least five of the sexual battery recovery services in paragraph (g) to victims of sexual battery and their families and is certified by the statewide nonprofit association.

(h) “Statewide nonprofit association” means the federally recognized sexual assault coalition whose primary purpose is to represent and provide technical assistance to rape crisis centers.

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

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

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

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense defined in s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 785.085, or s. 794.011. Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

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

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

Approved by the Governor June 6, 2006.

Filed in Office Secretary of State June 6, 2006.