

Committee Substitute for Senate Bill No. 1664

An act relating to distribution of funds; amending s. 210.20, F.S.; revising the specified dates during which the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation is required to certify the amount derived from the cigarette tax which is deposited into the Alcoholic Beverage and Tobacco Trust Fund; amending s. 215.5602, F.S.; requiring that revenue deposited into the Health Care Trust Fund within the Agency for Health Care Administration be reserved for certain research beginning in a specified fiscal year and transferred to the Biomedical Research Trust Fund within the Department of Health in a specified fiscal year; prohibiting the amount of revenue transferred or reserved from exceeding certain amounts; amending s. 381.84, F.S.; revising provisions limiting certain activities of the Florida Area Health Education Network and the Department of Health to a specified fiscal year; requiring the department to award a contract or grant to the AHEC network for the purpose of developing a smoking-cessation initiative for a specified fiscal year; revising a provision authorizing the AHEC network to apply for a competitive grant during a specified fiscal year; amending s. 381.922, F.S.; requiring that revenue deposited into the Health Care Trust Fund within the Agency for Health Care Administration be transferred to the Biomedical Research Trust Fund within the Department of Health in a specified fiscal year for a certain cancer research program; prohibiting the amount of revenue transferred from exceeding a certain amount; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated “Cigarette Tax Collection Trust Fund” which shall be paid and distributed as follows:

(b)1. Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 2.59 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer upon the State Treasury. These funds are hereby appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for

the purpose of constructing, furnishing, and equipping a cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 1999-2000 and thereafter with the exception of fiscal year 2008-2009, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this subparagraph shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute for fiscal year 1998-1999 had payments been made for the entire fiscal year rather than for a 6-month period thereof.

2. Beginning July 1, 2002, and continuing through June 30, 2004, the division shall, in addition to the distribution authorized in subparagraph 1., from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 0.2632 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. Beginning July 1, 2004, and continuing through June 30, ~~2020~~ 2016, the division shall, in addition to the distribution authorized in subparagraph 1., from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 1.47 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. These funds are appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for the purpose of constructing, furnishing, and equipping a cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 2004-2005 and thereafter, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this subparagraph shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute in fiscal year 2001-2002, had this subparagraph been in effect.

Section 2. Subsection (12) of section 215.5602, Florida Statutes, as amended by section 1 of chapter 2009-5, Laws of Florida, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(12) ~~For the 2008-2009 fiscal year and each fiscal year thereafter, the sum of \$4.5 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the James and Esther King Biomedical Research Program pursuant to this section. From these funds appropriated to accomplish the goals of this section, up to \$250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.~~

(a) Beginning in the 2009-2010 fiscal year and thereafter, 5 percent of the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses; however, the sum of the revenue reserved pursuant to ss. 210.011(9) and 210.276(7) may not exceed \$50 million in any fiscal year.

(b) In the 2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million, of the revenue deposited into the Health Care Trust Fund pursuant to this subsection shall be transferred to the Biomedical Research Trust Fund within the Department of Health for the James and Esther King Biomedical Research Program.

Section 3. Paragraph (i) of subsection (3) and subsection (6) of section 381.84, Florida Statutes, are amended to read:

381.84 Comprehensive Statewide Tobacco Education and Use Prevention Program.—

(3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department shall conduct a comprehensive, statewide tobacco education and use prevention program consistent with the recommendations for effective program components contained in the 1999 Best Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following components, each of which shall focus on educating people, particularly youth and their parents, about the health hazards of tobacco and discouraging the use of tobacco:

(i) AHEC smoking-cessation initiative.—For the 2009-2010 ~~2007-2008 and 2008-2009~~ fiscal year ~~years only~~, the AHEC network shall expand the AHEC smoking-cessation initiative to each county within the state and perform other activities as determined by the department.

(6) CONTRACT REQUIREMENTS.—Contracts or grants for the program components or subcomponents described in paragraphs (3)(a)-(f) shall be awarded by the State Surgeon General, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer-reviewed process that ensures objectivity, consistency, and high quality. The department shall award such grants or contracts no later than October 1 for each fiscal year. A recipient of a contract or grant for the program component described in paragraph (3)(c) is not eligible for a contract or grant award for any other program component described in subsection (3) in the same state fiscal year. A school or college of medicine that is represented on the council is not eligible to receive a contract or grant under this section. For the 2009-2010 ~~2007-2008 and 2008-2009~~ fiscal year ~~years only~~, the department shall award a contract or grant in the amount of \$10 million to the AHEC network for the purpose of developing the components described in paragraph (3)(i). The AHEC network may apply for a competitive contract or grant after the 2009-2010 ~~2008-2009~~ fiscal year.

Section 4. Subsection (5) of section 381.922, Florida Statutes, as amended by section 2 of chapter 2009-5, Laws of Florida, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(5) ~~Funds appropriated for the 2008-2009 fiscal year and each fiscal year thereafter, the sum of \$6.75 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program and shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer and cancer-related illnesses, with emphasis given to the goals enumerated in s. 381.921. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses. In the 2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million, of the revenue deposited into the Health Care Trust Fund pursuant to s. 215.5602(12)(a) shall be transferred to the Biomedical Research Trust Fund within the Department of Health for the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.~~

Section 5. This act shall take effect July 1, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.