

Bill No. SB 1016

Amendment No. Barcode 073802

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Burt moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Present subsections (2) through (12) of
18 section 569.21, Florida Statutes, are renumbered as
19 subsections (3) through (13), respectively, and a new
20 subsection (2) is added to that section to read:

21 569.21 Expenditure of tobacco settlement
22 proceeds.--The following guidelines shall be applied to the
23 expenditure of all funds paid to the State of Florida as a
24 result of litigation entitled The State of Florida et al. v.
25 American Tobacco Company et al., Case #95-1466AH, in the
26 Circuit Court of the Fifteenth Judicial Circuit, in and for
27 Palm Beach County:

28 (2) The Governor, in consultation with the Attorney
29 General, shall request information from the tobacco industry
30 with respect to calculating the annual tobacco settlement
31 payments. The Comptroller or Chief Financial Officer, in

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1 consultation with the Auditor General, shall verify whether
2 the annual tobacco settlement payments received conform to the
3 terms of the tobacco settlement. Such verification shall
4 include, but not be limited to, applying the terms of the
5 tobacco settlement to the information received from the
6 tobacco industry and identifying inconsistencies in the
7 calculation or information. The Comptroller or Chief Financial
8 Officer may obtain contractual services necessary to analyze
9 and verify the information received from the tobacco industry.

10 (a) If the Comptroller or Chief Financial Officer, in
11 consultation with the Auditor General, determines that there
12 has been an underpayment by a settling defendant pursuant to
13 the tobacco settlement, the Comptroller or Chief Financial
14 Officer shall notify the Governor, the Attorney General, the
15 President of the Senate, and the Speaker of the House of
16 Representatives of such underpayment.

17 (b) The Auditor General shall annually review the
18 state's process for verifying the annual tobacco settlement
19 payments as provided in this section. The Auditor General
20 shall annually report the results of such review to the
21 President of the Senate, the Speaker of the House of
22 Representatives, the Governor, the Attorney General, and the
23 Comptroller or Chief Financial Officer.

24 Section 2. The Governor is authorized to submit a
25 budget amendment to the Legislative Budget Commission to
26 transfer funds from the Tobacco Settlement Clearing Trust
27 Fund, or any of the agency Tobacco Settlement Trust Funds, to
28 the appropriate trust funds of the Governor, Attorney General,
29 and Comptroller or Chief Financial Officer to cover costs
30 incurred to ensure that tobacco settlement receipts comport
31 with the tobacco settlement. This section authorizes transfers

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1 between agencies, pursuant to the requirements of section
2 216.292(1)(a), Florida Statutes.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

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9 and insert:

10 A bill to be entitled
11 An act relating to proceeds from the tobacco
12 settlement; amending s. 569.21, F.S.;
13 prescribing duties of the Governor and other
14 officers with respect to monitoring the
15 revenues from the tobacco settlement; providing
16 for verification of payment amounts; requiring
17 reports; authorizing fund transfers to repay
18 certain costs; providing an effective date.

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