

1 A bill to be entitled
2 An act relating to the transportation and sale of
3 cigarettes; amending s. 210.01, F.S.; defining the term
4 "brand family"; creating s. 210.0205, F.S.; providing
5 definitions; imposing a fee on certain cigarettes;
6 providing payment requirements; requiring reporting of the
7 number and denominations of stamps affixed to individual
8 packages of certain cigarettes by manufacturer and brand
9 family; authorizing rulemaking regarding such reports;
10 requiring registration with the Division of Alcoholic
11 Beverages and Tobacco of the Department of Business and
12 Professional Regulation of nonsettling manufacturers of
13 cigarettes; requiring development, maintenance, and
14 publication by the division of a list of nonsettling
15 manufacturers of cigarettes which have certified their
16 compliance with the act; treating cigarettes of certain
17 manufacturers that have not paid the fee imposed by this
18 act or that have not complied with reporting requirements
19 as cigarettes for which the tax imposed by s. 210.02,
20 F.S., has not been paid; prohibiting the stamping of
21 certain cigarettes for which the fee imposed by the act
22 has not been paid in full or the nonsettling manufacturer
23 of which has not complied with reporting requirements;
24 delaying application of the fee to a subsequent
25 participating manufacturer under certain circumstances;
26 amending s. 210.18, F.S.; expanding the group of violators
27 subject to criminal liability; prohibiting the sale or
28 possession for sale of counterfeit cigarettes; providing

29 penalties; reenacting ss. 772.102(1)(a) and 895.02(1)(a),
30 F.S., relating to crimes constituting a "criminal
31 activity" and definitions as used in the Florida RICO Act,
32 to incorporate the amendment to s. 210.18, F.S., in
33 references thereto; providing an appropriation and
34 authorizing positions; providing an appropriation to the
35 Department of Health; providing purposes; amending s.
36 17.41, F.S.; providing an additional source of revenue to
37 the Tobacco Settlement Clearing Trust Fund; authorizing
38 the Attorney General to demand from the administrator of
39 the Master Settlement Agreement that the payments
40 currently being made to the 46 Master Settlement Agreement
41 states by tobacco companies be paid annually by the
42 administrator to this state or that the affected companies
43 pay this state directly and receive a credit for the
44 payments; providing that the arrangement not violate any
45 contractual agreements that have been made with this state
46 and the affected companies; requiring that a report on the
47 status of these activities be presented by the Attorney
48 General to the President of the Senate and the Speaker of
49 the House of Representatives by a specified date;
50 providing an effective date.

51
52 WHEREAS, it is the intent of the Legislature to prevent
53 nonsettling manufacturers from undermining the state's policy of
54 reducing underage smoking by offering their cigarettes for sale
55 substantially below the price of cigarettes of other
56 manufacturers; to protect the tobacco settlement agreement and

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57 funding, which is reduced as a result of the growth of
 58 nonsettling-manufacturer cigarette sales, for programs funded in
 59 whole or in part by payments to the state under the tobacco
 60 settlement agreement and to recoup for the state settlement-
 61 payment revenue lost to the state as a result of nonsettling-
 62 manufacturer cigarette sales; to fund enforcement and
 63 administration of nonsettling-manufacturer legislation and the
 64 fee imposed in this act, including reasonable administrative
 65 costs incurred by wholesale dealers complying with any
 66 additional reporting requirements necessitated by this act; to
 67 collect payments that are currently being made to the 46 Master
 68 Settlement Agreement states by tobacco companies, which payments
 69 are calculated upon the sale of the companies' cigarettes in
 70 this state; and to fund such other purposes as the Legislature
 71 determines, NOW, THEREFORE,

72
 73 Be It Enacted by the Legislature of the State of Florida:

74
 75 Section 1. Subsection (23) is added to section 210.01,
 76 Florida Statutes, to read:

77 210.01 Definitions.--When used in this part the following
 78 words shall have the meaning herein indicated:

79 (23) "Brand family" means all styles of cigarettes sold
 80 under the same trademark and differentiated from one another by
 81 means of additional modifiers or descriptors, including, but not
 82 limited to, "menthol," "lights," "kings," and "100s," and
 83 includes any brand name used alone or in conjunction with any
 84 other word, trademark, logo, symbol, motto, selling message,

85 recognizable pattern of colors, or any other indicia of product
86 identification identical or similar to, or identifiable with, a
87 previously known brand of cigarettes.

88 Section 2. Section 210.0205, Florida Statutes, is created
89 to read:

90 210.0205 Nonsettling-manufacturer fee.--

91 (1) As used in this section, the term:

92 (a) "Consumer Price Index" means the Consumer Price Index
93 for All Urban Consumers as published by the Bureau of Labor
94 Statistics of the United States Department of Labor.

95 (b) "Manufacturer" means a person or entity holding a
96 valid permit under 26 U.S.C. s. 5712 that manufactures,
97 fabricates, or assembles cigarettes. The term includes an entity
98 that is the first importer into the United States of cigarettes
99 manufactured abroad.

100 (c) "Nonsettling manufacturer" means any tobacco product
101 manufacturer that has not entered into the tobacco settlement
102 agreement defined in s. 215.56005(1)(f), or the Attorneys
103 General Settlement Agreement dated March 15, 1996, in the State
104 of Florida, et al. v. American Tobacco Company, et al.,
105 Fifteenth Judicial Circuit, Case No. 95-1466.

106 (d) "Nonsettling-manufacturer cigarettes" means cigarettes
107 manufactured by a nonsettling manufacturer, except when payments
108 on such cigarettes are due to be made by a settling manufacturer
109 pursuant to a tobacco settlement agreement described in
110 paragraph (c).

111 (2) A fee, in addition to all other taxes or fees of every
112 kind imposed by law, is imposed upon the sale, receipt,

113 purchase, possession, consumption, handling, distribution, and
114 use in this state of nonsettling-manufacturer cigarettes to the
115 package of which an agent affixes a stamp or stamp insignia as
116 required by law or which are sold or purchased in the state but
117 are not required to bear a stamp or stamp insignia of this
118 state. The fee is in the amount of 20 mills per cigarette in
119 fiscal year 2006-2007. Beginning January 1, 2008, and on January
120 1 of each year thereafter, the division shall adjust the tax
121 rate by the greater of 3 percent or the percentage change in the
122 average of the Consumer Price Index issued by the United States
123 Department of Labor for the most recent 12-month period ending
124 September 30 compared to the 12-month period ending September 30
125 of the prior year.

126 (3) The division shall collect the fee once each month
127 from each nonsettling manufacturer based on information received
128 pursuant to subsection (6). The division shall mail to each
129 nonsettling manufacturer not later than the 15th day of each
130 month a notice of the fee due from that manufacturer for sales
131 of its cigarettes made in the preceding month. Each such
132 nonsettling manufacturer shall ensure that the division has
133 received payment of the fee in full no later than the last day
134 of the month in which the notice was mailed. Except as otherwise
135 provided in this section, proceeds from the fee shall be
136 deposited into the Tobacco Settlement Clearing Trust Fund and
137 the fee shall be imposed, collected, paid, administered, and
138 enforced in the same manner as the tax on cigarettes imposed by
139 s. 210.02.

140 (4) A nonsettling manufacturer selling cigarettes in this

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141 state on July 1, 2006, shall provide to the division the
142 information described in subsections (7) and (8) and pay the fee
143 imposed by subsection (2), by August 1, 2006. If a nonsettling
144 manufacturer is not selling cigarettes in this state on July 1,
145 2006, before commencing sales of cigarettes in this state, the
146 nonsettling manufacturer shall prepay the fee imposed by
147 subsection (2). The prepayment amount shall be a sum determined
148 by multiplying by 20 mills in fiscal year 2006-2007 the number
149 of cigarettes the division reasonably projects that the
150 nonsettling manufacturer will sell in this state in the first
151 calendar month or \$50,000, whichever is more. The division may
152 require a nonsettling manufacturer to provide any information
153 reasonably necessary to determine the amount of the prepayment
154 fee and, in the case of prepayment, shall establish procedures
155 for providing reimbursement to nonsettling manufacturers if
156 actual sales are less than sales projected by the division and
157 for additional payment by nonsettling manufacturers if actual
158 sales are greater than sales projected by the division. As used
159 in this subsection, the term "cigarettes" refers only to
160 nonsettling-manufacturer cigarettes.

161 (5) The purposes of the fee are to:

162 (a) Prevent nonsettling manufacturers from undermining the
163 state's policy of reducing underage smoking by offering
164 cigarettes for sale substantially below the price of cigarettes
165 of other manufacturers.

166 (b)1. Protect the tobacco settlement agreement, as defined
167 in s. 215.56005(1)(f), and funding, which is reduced as a result
168 of the growth of nonsettling-manufacturer cigarette sales, for

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169 programs funded in whole or in part by payments to the state
170 under the tobacco settlement agreement; and

171 2. Recoup for the state settlement-payment revenue lost to
172 the state as a result of nonsettling-manufacturer cigarette
173 sales.

174 (c) Fund enforcement and administration of nonsettling-
175 manufacturer legislation and the fee imposed by this section,
176 including reasonable administrative costs incurred by wholesale
177 dealers complying with any additional reporting requirements
178 necessitated by this section.

179 (d) Fund such other purposes as the Legislature
180 determines; however, \$16 million of the proceeds received under
181 this section shall be provided annually through quarterly
182 disbursements to the Department of Health, for the purposes of
183 implementing a statewide anti-smoking marketing, educational,
184 and advertising campaign to reduce youth tobacco use. The
185 Department of Health shall conduct surveillance and evaluations
186 to measure program performance and improve implementation
187 strategies. The Department of Health may contract for any of the
188 activities specified in this section.

189 (6) Monthly reports shall be made to the division pursuant
190 to s. 210.09(2) by each agent and wholesaler. Such reports must
191 state the number and denominations of stamps or stamp insignia
192 affixed to individual packages of nonsettling-manufacturer
193 cigarettes and the number of individual packages of nonsettling-
194 manufacturer cigarettes otherwise sold or purchased in this
195 state or otherwise handled or distributed in this state for sale
196 in another state, commonwealth, or territory of the United

197 States, by manufacturer and brand family, sold for each place of
198 business in the month preceding the month in which the report is
199 made. The division may adopt rules requiring any agent,
200 wholesaler, wholesale dealer, or nonsettling manufacturer to
201 provide in the monthly report any information necessary or
202 appropriate to determining the fee due under subsection (2) or
203 to enforcing this section.

204 (7) Before commencing sales of cigarettes in this state
205 or, if selling cigarettes in this state on July 1, 2006, by
206 August 1, 2006, a nonsettling manufacturer shall provide to the
207 division, on a form prescribed by the division:

208 (a) The complete name, address, and telephone number of
209 the nonsettling manufacturer.

210 (b) The date the nonsettling manufacturer began or intends
211 to begin selling cigarettes in this state.

212 (c) The names of the brand families of the cigarettes the
213 nonsettling manufacturer is selling or will sell in this state.

214 (d) A statement of the nonsettling manufacturer's
215 intention to comply with the obligations imposed by this
216 section.

217 (e) The name, address, telephone number, and signature of
218 an officer of the nonsettling manufacturer attesting to all of
219 the information described in this subsection.

220 (8) Each nonsettling manufacturer subject to the fee
221 imposed by subsection (2) shall certify to the division on the
222 first day of each month that the manufacturer is in compliance
223 with this section and has paid in full the fee imposed by
224 subsection (2). The division shall develop, maintain, and

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225 publish on its Internet website a directory listing all
226 nonsettling manufacturers that have provided current, accurate,
227 and complete certifications. The division shall provide a copy
228 of the list to any person upon request.

229 (9) Cigarettes of a nonsettling manufacturer that has not
230 paid a fee imposed by subsection (2), or that has not complied
231 with the reporting requirements of subsections (4), (6), (7),
232 and (8), shall be treated as cigarettes for which the tax
233 imposed by s. 210.02 has not been paid. A person may not affix
234 to any package of nonsettling-manufacturer cigarettes the stamp
235 required under s. 210.06, or otherwise purchase or sell such
236 cigarettes, after such person receives notice from the division
237 that the nonsettling manufacturer of such cigarettes has not
238 paid in full the fee imposed by subsection (2) or if the
239 nonsettling manufacturer is not listed on the division's
240 directory described in subsection (8).

241 (10) The fee imposed by this section does not apply to a
242 subsequent participating manufacturer, as defined in the master
243 settlement agreement, until the effective date of a credit
244 amendment to the master settlement agreement. For purposes of
245 this subsection, the term "master settlement agreement" means
246 the settlement agreement and related documents entered into in
247 1998 by 46 states and leading United States tobacco
248 manufacturers. An amendment to the master settlement agreement
249 shall be considered a credit amendment if it makes available to
250 each subsequent participating manufacturer, other than any
251 subsequent participating manufacturer that has an agreement as
252 of July 1, 2006, as described in the final sentence of this

253 subsection, each year a credit against its payment obligations
 254 under the master settlement agreement which is equal to or
 255 greater than the product of the total number of individual
 256 cigarettes sold by a subsequent participating manufacturer in
 257 this state during the year in question multiplied by at least
 258 73.2 percent of the per-cigarette fee provided for in this
 259 section, and does not condition that credit on such subsequent
 260 participating manufacturer forfeiting in whole or in part any
 261 other benefits or credits provided for in the master settlement
 262 agreement. This subsection does not apply to any subsequent
 263 participating manufacturer that, as of July 1, 2006, already had
 264 an agreement with the settling states, as defined in the master
 265 settlement agreement, pursuant to which agreement the subsequent
 266 participating manufacturer has agreed to a different credit
 267 against its payment obligations under the master settlement
 268 agreement based on its cigarette sales in this state.

269 Section 3. Subsections (6) and (9) of section 210.18,
 270 Florida Statutes, are amended to read:

271 210.18 Penalties for tax evasion; reports by sheriffs.--

272 ~~(6)(a) Every person, firm, or corporation, other than a~~
 273 ~~licensee under the provisions of this part, who possesses,~~
 274 ~~removes, deposits, or conceals, or aids in the possessing,~~
 275 ~~removing, depositing, or concealing of, any unstamped cigarettes~~
 276 ~~not in excess of 50 cartons is guilty of a misdemeanor of the~~
 277 ~~second degree, punishable as provided in s. 775.082 or s.~~
 278 ~~775.083. In lieu of the penalties provided in those sections,~~
 279 ~~however, the person, firm, or corporation may pay the tax plus a~~
 280 ~~penalty equal to the amount of the tax authorized under s.~~

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281 ~~210.02 on the unstamped cigarettes.~~

282 (a)~~(b)~~ Every person, firm, or corporation, other than a
 283 licensee under the provisions of this part, who possesses,
 284 removes, deposits, or conceals, or aids in the possessing,
 285 removing, depositing, or concealing of, any unstamped cigarettes
 286 in excess of 50 cartons is presumed to have knowledge that they
 287 have not been taxed and commits ~~is guilty of~~ a felony of the
 288 third degree, punishable as provided in s. 775.082, s. 775.083,
 289 or s. 775.084.

290 (b)~~(e)~~ This section does not apply to a person possessing
 291 not in excess of three cartons of such cigarettes purchased by
 292 such possessor outside the state in accordance with the laws of
 293 the place where purchased and brought into this state by such
 294 possessor. The burden of proof that such cigarettes were
 295 purchased outside the state and in accordance with the laws of
 296 the place where purchased shall in all cases be upon the
 297 possessor of such cigarettes.

298 (9) Notwithstanding any other provision of law, the sale
 299 or possession for sale of counterfeit cigarettes by any person
 300 or by a manufacturer, importer, distributing agent, wholesale
 301 dealer, or retail dealer shall result in the seizure of the
 302 product and related machinery by the division or any law
 303 enforcement agency and shall be punishable as follows:-

304 (a)1. A first violation with a total quantity of less than
 305 two cartons of cigarettes or the equivalent amount of other
 306 cigarettes shall be punishable by a fine not to exceed \$1,000 or
 307 five times the retail value of the cigarettes involved,
 308 whichever is greater, or imprisonment not to exceed 5 years, or

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309 both.

310 2. A subsequent violation with a total quantity of less
311 than two cartons of cigarettes or the equivalent amount of other
312 cigarettes shall be punishable by a fine not to exceed \$5,000 or
313 five times the retail value of the cigarettes involved,
314 whichever is greater, or imprisonment not to exceed 5 years, or
315 both, and shall also result in the revocation by the division of
316 the permit of the manufacturer, importer, distributing agent,
317 wholesale dealer, or retail dealer.

318 (b)1. A first violation with a total quantity of two or
319 more cartons of cigarettes or the equivalent amount of other
320 cigarettes shall be punishable by a fine not to exceed \$2,000 or
321 five times the retail value of the cigarettes involved,
322 whichever is greater, or imprisonment not to exceed 5 years, or
323 both.

324 2. A subsequent violation with a quantity of two cartons
325 of cigarettes or more or the equivalent amount of other
326 cigarettes shall be punishable by a fine not to exceed \$50,000
327 or five times the retail value of the cigarettes involved,
328 whichever is greater, or imprisonment not to exceed 5 years, or
329 both, and shall also result in the revocation by the division of
330 the permit of the manufacturer, importer, distributing agent,
331 wholesale dealer, or retail dealer.

332
333 For purposes of this subsection, any counterfeit cigarettes
334 seized by the division shall be destroyed.

335 Section 4. For the purpose of incorporating the amendment
336 made by this act to section 210.18, Florida Statutes, in a

337 reference thereto, paragraph (a) of subsection (1) of section
 338 772.102, Florida Statutes, is reenacted to read:

339 772.102 Definitions.--As used in this chapter, the term:

340 (1) "Criminal activity" means to commit, to attempt to
 341 commit, to conspire to commit, or to solicit, coerce, or
 342 intimidate another person to commit:

343 (a) Any crime which is chargeable by indictment or
 344 information under the following provisions:

345 1. Section 210.18, relating to evasion of payment of
 346 cigarette taxes.

347 2. Section 414.39, relating to public assistance fraud.

348 3. Section 440.105 or s. 440.106, relating to workers'
 349 compensation.

350 4. Part IV of chapter 501, relating to telemarketing.

351 5. Chapter 517, relating to securities transactions.

352 6. Section 550.235, s. 550.3551, or s. 550.3605, relating
 353 to dogracing and horseracing.

354 7. Chapter 550, relating to jai alai frontons.

355 8. Chapter 552, relating to the manufacture, distribution,
 356 and use of explosives.

357 9. Chapter 562, relating to beverage law enforcement.

358 10. Section 624.401, relating to transacting insurance
 359 without a certificate of authority, s. 624.437(4)(c)1., relating
 360 to operating an unauthorized multiple-employer welfare
 361 arrangement, or s. 626.902(1)(b), relating to representing or
 362 aiding an unauthorized insurer.

363 11. Chapter 687, relating to interest and usurious
 364 practices.

- 365 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 366 real estate timeshare plans.
- 367 13. Chapter 782, relating to homicide.
- 368 14. Chapter 784, relating to assault and battery.
- 369 15. Chapter 787, relating to kidnapping.
- 370 16. Chapter 790, relating to weapons and firearms.
- 371 17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 372 relating to prostitution.
- 373 18. Chapter 806, relating to arson.
- 374 19. Section 810.02(2)(c), relating to specified burglary
- 375 of a dwelling or structure.
- 376 20. Chapter 812, relating to theft, robbery, and related
- 377 crimes.
- 378 21. Chapter 815, relating to computer-related crimes.
- 379 22. Chapter 817, relating to fraudulent practices, false
- 380 pretenses, fraud generally, and credit card crimes.
- 381 23. Section 827.071, relating to commercial sexual
- 382 exploitation of children.
- 383 24. Chapter 831, relating to forgery and counterfeiting.
- 384 25. Chapter 832, relating to issuance of worthless checks
- 385 and drafts.
- 386 26. Section 836.05, relating to extortion.
- 387 27. Chapter 837, relating to perjury.
- 388 28. Chapter 838, relating to bribery and misuse of public
- 389 office.
- 390 29. Chapter 843, relating to obstruction of justice.
- 391 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 392 s. 847.07, relating to obscene literature and profanity.

393 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
394 849.25, relating to gambling.

395 32. Chapter 893, relating to drug abuse prevention and
396 control.

397 33. Section 914.22 or s. 914.23, relating to witnesses,
398 victims, or informants.

399 34. Section 918.12 or s. 918.13, relating to tampering
400 with jurors and evidence.

401 Section 5. For the purpose of incorporating the amendment
402 made by this act to section 210.18, Florida Statutes, in a
403 reference thereto, paragraph (a) of subsection (1) of section
404 895.02, Florida Statutes, is reenacted to read:

405 895.02 Definitions.--As used in ss. 895.01-895.08, the
406 term:

407 (1) "Racketeering activity" means to commit, to attempt to
408 commit, to conspire to commit, or to solicit, coerce, or
409 intimidate another person to commit:

410 (a) Any crime which is chargeable by indictment or
411 information under the following provisions of the Florida
412 Statutes:

413 1. Section 210.18, relating to evasion of payment of
414 cigarette taxes.

415 2. Section 403.727(3)(b), relating to environmental
416 control.

417 3. Section 409.920 or s. 409.9201, relating to Medicaid
418 fraud.

419 4. Section 414.39, relating to public assistance fraud.

420 5. Section 440.105 or s. 440.106, relating to workers'

421 compensation.

422 6. Section 443.071(4), relating to creation of a
 423 fictitious employer scheme to commit unemployment compensation
 424 fraud.

425 7. Section 465.0161, relating to distribution of medicinal
 426 drugs without a permit as an Internet pharmacy.

427 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
 428 499.0691, relating to crimes involving contraband and
 429 adulterated drugs.

430 9. Part IV of chapter 501, relating to telemarketing.

431 10. Chapter 517, relating to sale of securities and
 432 investor protection.

433 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
 434 to dogracing and horseracing.

435 12. Chapter 550, relating to jai alai frontons.

436 13. Section 551.109, relating to slot machine gaming.

437 14. Chapter 552, relating to the manufacture,
 438 distribution, and use of explosives.

439 15. Chapter 560, relating to money transmitters, if the
 440 violation is punishable as a felony.

441 16. Chapter 562, relating to beverage law enforcement.

442 17. Section 624.401, relating to transacting insurance
 443 without a certificate of authority, s. 624.437(4)(c)1., relating
 444 to operating an unauthorized multiple-employer welfare
 445 arrangement, or s. 626.902(1)(b), relating to representing or
 446 aiding an unauthorized insurer.

447 18. Section 655.50, relating to reports of currency
 448 transactions, when such violation is punishable as a felony.

- 449 19. Chapter 687, relating to interest and usurious
- 450 practices.
- 451 20. Section 721.08, s. 721.09, or s. 721.13, relating to
- 452 real estate timeshare plans.
- 453 21. Chapter 782, relating to homicide.
- 454 22. Chapter 784, relating to assault and battery.
- 455 23. Chapter 787, relating to kidnapping.
- 456 24. Chapter 790, relating to weapons and firearms.
- 457 25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 458 796.05, or s. 796.07, relating to prostitution and sex
- 459 trafficking.
- 460 26. Chapter 806, relating to arson.
- 461 27. Section 810.02(2)(c), relating to specified burglary
- 462 of a dwelling or structure.
- 463 28. Chapter 812, relating to theft, robbery, and related
- 464 crimes.
- 465 29. Chapter 815, relating to computer-related crimes.
- 466 30. Chapter 817, relating to fraudulent practices, false
- 467 pretenses, fraud generally, and credit card crimes.
- 468 31. Chapter 825, relating to abuse, neglect, or
- 469 exploitation of an elderly person or disabled adult.
- 470 32. Section 827.071, relating to commercial sexual
- 471 exploitation of children.
- 472 33. Chapter 831, relating to forgery and counterfeiting.
- 473 34. Chapter 832, relating to issuance of worthless checks
- 474 and drafts.
- 475 35. Section 836.05, relating to extortion.
- 476 36. Chapter 837, relating to perjury.

- 477 37. Chapter 838, relating to bribery and misuse of public
478 office.
- 479 38. Chapter 843, relating to obstruction of justice.
- 480 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
481 s. 847.07, relating to obscene literature and profanity.
- 482 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
483 849.25, relating to gambling.
- 484 41. Chapter 874, relating to criminal street gangs.
- 485 42. Chapter 893, relating to drug abuse prevention and
486 control.
- 487 43. Chapter 896, relating to offenses related to financial
488 transactions.
- 489 44. Sections 914.22 and 914.23, relating to tampering with
490 a witness, victim, or informant, and retaliation against a
491 witness, victim, or informant.
- 492 45. Sections 918.12 and 918.13, relating to tampering with
493 jurors and evidence.
- 494 (b) Any conduct defined as "racketeering activity" under
495 18 U.S.C. s. 1961(1).
- 496 Section 6. For the 2006-2007 fiscal year, the sum of
497 \$480,028 is appropriated from the Alcoholic Beverage and Tobacco
498 Trust Fund and four full-time equivalent positions are
499 authorized to be established by the Department of Business and
500 Professional Regulation for the purpose of conducting regulatory
501 activities related to the transportation and sale of cigarettes.
- 502 Section 7. From the funds generated by this act, the sum
503 of \$2 million is appropriated to the Department of Health for
504 the 2006-2007 fiscal year to address health care disparities in

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505 the minority community.

506 Section 8. Subsection (2) of section 17.41, Florida
507 Statutes, is amended to read:

508 17.41 Department of Financial Services Tobacco Settlement
509 Clearing Trust Fund.--

510 (2) Funds to be credited to the Tobacco Settlement
511 Clearing Trust Fund shall consist of payments received by the
512 state from settlement of State of Florida v. American Tobacco
513 Co., No. 95-1466AH (Fla. 15th Cir. Ct. 1996) and fees from the
514 nonsettling-manufacturer fee collected pursuant to s. 210.0205.
515 Moneys received from the settlement and fees that are deposited
516 into the trust fund are exempt from the service charges imposed
517 under s. 215.20.

518 Section 9. The Attorney General may demand from the
519 administrator of the Master Settlement Agreement that the
520 payments currently being made to the 46 Master Settlement
521 Agreement states by tobacco companies which are based, in part,
522 upon the sale of cigarettes in this state be paid annually by
523 the administrator of the Master Settlement Agreement to this
524 state or that the affected companies pay this state directly and
525 receive a credit for the payments from the administrator. The
526 Attorney General may negotiate with the administrator of the
527 Master Settlement Agreement so as not to violate any contractual
528 agreements that have been made with this state and the affected
529 companies. A report concerning the status of these activities
530 shall be presented by the Attorney General to the President of
531 the Senate and the Speaker of the House of Representatives by
532 January 1, 2007.

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Section 10. This act shall take effect July 1, 2006.