

By Senator Deutch

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1 A bill to be entitled

2 An act relating to cigarette user fees; providing
3 legislative findings; amending s. 210.01, F.S.; defining
4 the terms "council," "total collections," and "net
5 collections"; revising the definitions of "exporter,"
6 "unstamped package," "stamp" or "stamps," and "counterfeit
7 cigarettes"; amending s. 210.02, F.S.; replacing all
8 references to the term tax with user fee; increasing the
9 amount of the cigarette user fee; amending ss. 210.021,
10 210.03, 210.04, 210.05, 210.06, 210.07, 210.08, 210.09,
11 210.11, 210.12, 210.13, 210.14, 210.15, 210.18, 210.181,
12 210.185, and 210.19, F.S.; conforming provisions to changes
13 made by the act; amending s. 210.20, F.S.; providing
14 definitions; requiring the Division of Alcoholic Beverages
15 and Tobacco to certify to the Chief Financial Officer the
16 amount of net collections derived from the user fee on a
17 monthly basis; requiring the division to credit a specific
18 percent of the total base allocation to certain trust
19 funds, the H. Lee Moffitt Cancer Center and Research
20 Institute's Board of Directors, the William G. "Bill"
21 Bankhead, Jr., and David Coley Cancer Research Program,
22 and certain medical residency and fellowship programs;
23 providing legislative intent to use the cigarette user fee
24 collections to increase enrollment in the Florida Kidcare
25 program; requiring that the amounts credited or
26 transferred from the Cigarette Tax Collection Trust Fund
27 be adjusted in proportion to the corresponding reference
28 year allocation; providing a formula for calculating the
29 maximum total supplemental allocation; amending s.

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30 210.201, F.S.; requiring the Board of Directors of the H.
31 Lee Moffitt Cancer Center and Research Institute to use
32 funds to secure bonds or financial products for cancer
33 facilities; amending s. 215.5602, F.S.; requiring the
34 James and Esther King Biomedical Research Program to
35 appropriate a certain percent of the program's annual
36 funding to expand research conducted on tobacco-related
37 illnesses; increasing the amount of funds allocated to the
38 Florida Center for Universal Research to Eradicate
39 Disease; extending certain expiration dates; amending s.
40 381.922, F.S.; revising the purpose of the William G.
41 "Bill" Bankhead, Jr., and David Coley Cancer Research
42 Program to expand cancer research and treatment; requiring
43 the program to provide grants for the recruitment of
44 cancer researchers and institutions, operational start-up
45 grants for newly recruited researchers, and for fixed
46 capital outlay; requiring that certain proceeds be used
47 for certain purposes; extending certain expiration dates;
48 amending s. 395.701, F.S.; defining the term "relative
49 share"; providing that a hospital's relative share
50 credited or transferred from the Cigarette Tax Collections
51 Trust Fund to the Public Medical Assistance Trust Fund are
52 not included in the annual assessment on net operating
53 revenues for inpatient and outpatient services; repealing
54 s. 395.7015, F.S.; relating to the annual assessment on
55 health care entities; requiring the Department of Health
56 to submit a report to the Governor and the Legislature by
57 a certain date which contains an estimate of the financial

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58 impact of tobacco use and related illnesses on the economy
59 and taxpayers; providing an effective date.

60

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

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63 Section 1. The Legislature finds that cigarette consumption
64 dramatically impacts the state's Medicaid budget and a
65 substantial deficit has been created between what consumers pay
66 in related excise or privilege fees and what the state actually
67 incurs in health care costs. The Legislature further finds that
68 the imposition of a user fee on cigarettes should at least be
69 commensurate with the projected governmental costs associated
70 with the consumption of cigarettes. The Legislature further finds
71 that revenues derived from such user fees should apply to health
72 care, with an emphasis given to measures for which there is a
73 connection between cigarette consumption and the user fee revenue
74 generated from the consumption of cigarettes.

75 Section 2. Section 210.01, Florida Statutes, is amended to
76 read:

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

79 (1) "Cigarette" means any roll for smoking, except one of
80 which the tobacco is fully naturally fermented, without regard to
81 the kind of tobacco or other substances used in the inner roll or
82 the nature or composition of the material in which the roll is
83 wrapped, which is made wholly or in part of tobacco irrespective
84 of size or shape and whether such tobacco is flavored,
85 adulterated or mixed with any other ingredient.

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86 (2) "Persons" means any individual, copartnership, society,
87 club, association, corporation, joint stock company, and any
88 combination of individuals and also an executor, administrator,
89 receiver, trustee or other fiduciary.

90 (3) "Sale" means any transfer, exchange or barter in any
91 manner, or by any means whatever.

92 (4) "Retail sale" or "sale at retail" means a sale to a
93 consumer or to any person for any purpose other than resale.

94 (5) "Dealer" means any wholesale dealer as hereinafter
95 defined.

96 (6) "Wholesale dealer" means any person located inside or
97 outside this state who sells cigarettes to retail dealers or
98 other persons for purposes of resale only. Such term shall not
99 include any cigarette manufacturer, export warehouse proprietor,
100 or importer with a valid permit under 26 U.S.C. s. 5712 if such
101 person sells or distributes cigarettes in this state only to
102 dealers who are agents and who hold valid and current permits
103 under s. 210.15 or to any cigarette manufacturer, export
104 warehouse proprietor, or importer who holds a valid and current
105 permit under 26 U.S.C. s. 5712.

106 (7) "Retail dealer" means any person located inside or
107 outside this state other than a wholesale dealer engaged in the
108 business of selling cigarettes, including persons issued a permit
109 pursuant to s. 569.003.

110 (8) "Package" means the individual package, box or other
111 container in or from which retail sales of cigarettes are
112 normally made or intended to be made.

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113 (9) "Agent" means any person authorized by the Division of
114 Alcoholic Beverages and Tobacco to purchase and affix adhesive or
115 meter stamps under this part.

116 (10) "Division" means the Division of Alcoholic Beverages
117 and Tobacco of the Department of Business and Professional
118 Regulation.

119 (11) "Council" means the Biomedical Research Advisory
120 Council within the Department of Health established in s.
121 215.5602.

122 ~~(12)-(11)~~ "Use" means the consuming, giving away or
123 disposing, in any manner, of cigarettes.

124 ~~(13)-(12)~~ "First sale" means the first use or consumption of
125 cigarettes within this state.

126 ~~(14)-(13)~~ "Operating ad valorem millage" means all millages
127 other than those fixed for debt service.

128 (15) "Total collections" means the total amount
129 derived from the cigarette user fee during a specified
130 period of time.

131 (16) "Net collections" means 99.1 percent of total
132 collections less the service charge prescribed in s. 215.20.

133 ~~(17)-(14)~~ "Distributing agent" means every person, firm or
134 corporation in this state who acts as an agent for any person,
135 firm or corporation outside or inside the state by receiving
136 cigarettes in interstate or intrastate commerce and storing such
137 cigarettes subject to distribution or delivery upon order from
138 said principal to wholesale dealers and other distributing agents
139 inside or outside this state.

140 ~~(18)-(15)~~ "Place of business" means any place where
141 cigarettes are sold or where cigarettes are stored or kept for

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142 the purpose of sale or consumption; or if cigarettes are sold
143 from a vending machine the place in which the vending machine is
144 located.

145 ~~(19)-(16)~~ "Manufacturer's representative" means a person who
146 represents a manufacturer of cigarettes but who has no place of
147 business in this state where cigarettes are stored. A
148 manufacturer's representative is required to obtain any
149 cigarettes required by her or him through a wholesale dealer in
150 this state and to make such reports as may be required by the
151 Division of Alcoholic Beverages and Tobacco of the Department of
152 Business and Professional Regulation.

153 ~~(20)-(17)~~ "Exporter" means a person who transports user-fee-
154 exempt or tax-exempt cigarettes into this state under bond for
155 delivery beyond the borders of this state. Each permit shall
156 entitle the permittee to store such cigarettes under bond at one
157 location in this state pending shipment beyond the borders of
158 this state.

159 ~~(21)-(18)~~ "Unstamped package" or "unstamped cigarettes"
160 means a package on which the user fee ~~tax~~ required by this part
161 has not been paid, regardless of whether or not such package is
162 stamped or marked with the indicia of any other user fee
163 assessment or taxing authority, or a package on which there has
164 been affixed a counterfeit or fraudulent indicium or stamp.

165 ~~(22)-(19)~~ "Stamp" or "stamps" means the indicia required to
166 be placed on cigarette packages that evidence payment of the user
167 fee ~~tax~~ on cigarettes under s. 210.02.

168 ~~(23)-(20)~~ "Importer" means any person with a valid permit
169 under 26 U.S.C. s. 5712 who imports into the United States,

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170 directly or indirectly, a finished cigarette for sale or
171 distribution.

172 ~~(24)-(21)~~ "Manufacturer" means any domestic person or entity
173 with a valid permit under 26 U.S.C. s. 5712 that manufactures,
174 fabricates, assembles, processes, or labels a finished cigarette.

175 ~~(25)-(22)~~ "Counterfeit cigarettes" means cigarettes that
176 have false manufacturing labels, tobacco product packs with
177 counterfeit user fee tax stamps, or any combination thereof.

178 Section 3. Section 210.02, Florida Statutes, is amended to
179 read:

180 210.02 Cigarette user fee tax imposed; collection.--

181 (1) A user fee ~~An excise or privilege tax~~, in addition to
182 all other fees taxes of every kind imposed by law, is imposed
183 upon the sale, receipt, purchase, possession, consumption,
184 handling, distribution, and use of cigarettes in this state, in
185 the following amounts, except as hereinafter otherwise provided,
186 for cigarettes of standard dimensions:

187 (a) Upon all cigarettes weighing not more than 3 pounds per
188 thousand, 66.95 ~~16.95~~ mills on each cigarette.

189 (b) Upon all cigarettes weighing more than 3 pounds per
190 thousand and not more than 6 inches long, 133.9 ~~33.9~~ mills on
191 each cigarette.

192 (c) Upon all cigarettes weighing more than 3 pounds per
193 thousand and more than 6 inches long, 267.8 ~~67.8~~ mills on each
194 cigarette.

195 (2) The description of cigarettes contained in paragraphs
196 (a), (b), and (c) of subsection (1) are hereby declared to be
197 standard as to dimensions for the taxing purposes of assessing a
198 user fee as provided in this law and should any cigarette be

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199 received, purchased, possessed, sold, offered for sale, given
200 away, or used of a size other than of standard dimensions, the
201 same shall be assessed ~~taxed~~ at the rate of 5.69 ~~1.41~~ cents on
202 each such cigarette.

203 (3) When cigarettes as described in paragraph (1)(a) are
204 packed in varying quantities of 20 cigarettes or less, except
205 manufacturer's free samples authorized under s. 210.04(9), the
206 following rate shall govern:

207 (a) Packages containing 10 cigarettes or less require a
208 66.9-cent user fee ~~16.95-cent tax~~.

209 (b) Packages containing more than 10 but not more than 20
210 cigarettes require a 133.9-cent user fee ~~33.9-cent tax~~.

211 (4) When cigarettes as described in paragraph (1)(b) are
212 packed in varying quantities of 20 cigarettes or less, except
213 manufacturer's free samples authorized under s. 210.04(9), the
214 following rates shall govern:

215 (a) Packages containing 10 cigarettes or less require a
216 133.9-cent user fee ~~33.9-cent tax~~.

217 (b) Packages containing more than 10 but not more than 20
218 cigarettes require a 267.8-cent user fee ~~67.8-cent tax~~.

219 (5) When cigarettes as described in paragraph (1)(c) are
220 packed in varying quantities of 20 cigarettes or less, except
221 manufacturer's free samples authorized under s. 210.04(9), the
222 following rates shall govern:

223 (a) Packages containing 10 cigarettes or less require a
224 267.8-cent user fee ~~67.8-cent tax~~.

225 (b) Packages containing more than 10 but not more than 20
226 cigarettes require a 535.6-cent user fee ~~135.6-cent tax~~.

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227 (6) This user fee ~~tax~~ shall be paid by the dealer to the
228 division for deposit and distribution as hereinafter provided
229 upon the first sale or transaction within the state, whether or
230 not such sale or transfer be to the ultimate purchaser or
231 consumer. The seller or dealer shall collect the user fee ~~tax~~
232 from the purchaser or consumer, and the purchaser or consumer
233 shall pay the user fee ~~tax~~ to the seller. The seller or dealer
234 shall be responsible for the collection of the user fee ~~tax~~ and
235 the payment of the same to the division. All user fees collected
236 pursuant to this section ~~taxes~~ are due not later than the 10th
237 day of the month following the calendar month in which they were
238 incurred, and thereafter shall bear interest at the rate of 1
239 percent per month. If the amount of user fee proceeds ~~tax~~ due for
240 a given period is assessed without allocating it to any
241 particular month, the interest shall begin with the date of the
242 assessment. Whenever cigarettes are shipped from outside the
243 state to anyone other than a distributing agent or wholesale
244 dealer, the person receiving the cigarettes shall be responsible
245 for the user fee ~~tax~~ on said cigarettes and the payment of same
246 to the division.

247 (7) It is the legislative intent that the user fee ~~tax~~ on
248 cigarettes shall be uniform throughout the state.

249 Section 4. Section 210.021, Florida Statutes, is amended to
250 read:

251 210.021 Payment of user fees ~~taxes~~ by certified check or
252 electronic funds transfer.--

253 (1) The Secretary of Business and Professional Regulation
254 may require a dealer who sells cigarettes within the state to

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255 remit by certified check or electronic funds transfer any user
256 fee tax imposed under s. 210.02.

257 (2) The Secretary of Business and Professional Regulation
258 shall require for a period not to exceed 12 months that a dealer
259 or agent, during the dealer's or agent's initial period of
260 licensure or appointment, remit by certified check or electronic
261 funds transfer any user fee tax imposed under s. 210.02.

262 (3) The division shall adopt rules pursuant to ss.
263 120.536(1) and 120.54 to administer this section.

264 Section 5. Section 210.03, Florida Statutes, is amended to
265 read:

266 210.03 Prohibition against levying of cigarette user fees
267 ~~taxes~~ by municipalities.--No municipality shall, after July 1,
268 1972, levy or collect any user fee ~~excise tax~~ on cigarettes.

269 Section 6. Section 210.04, Florida Statutes, is amended to
270 read:

271 210.04 Construction; exemptions; collection.--

272 (1) The amount of user fees ~~taxes~~ advanced and paid to the
273 state aforesaid shall be added to and collected as a part of the
274 sales price of the cigarettes sold or distributed, which amount
275 may be stated separately from the price of the cigarettes on all
276 display signs, sales and delivery slips, bills and statements
277 which advertise or indicate the price of the product.

278 (2) The cigarette user fee tax imposed shall be collected
279 only once upon the same package or container of such cigarettes.

280 (3) No user fee tax shall be imposed by this part upon
281 cigarettes not within the taxing power of the state under the
282 Commerce Clause of the United States Constitution.

283 (4) No user fee tax shall be required to be paid:

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284 (a) Upon cigarettes sold at post exchanges, ship service
285 stores, ship stores, slop chests, or base exchanges to members of
286 the Armed Services of the United States when such post exchanges,
287 ship service stores, or base exchanges are operated under
288 regulations of the Army, Navy, or Air Force of the United States
289 on military, naval, or air force reservations in this state or
290 when such ship stores or slop chests are operated under the
291 regulations of the United States Navy on ships of the United
292 States Navy; however, it is unlawful for anyone, including
293 members of the Armed Services of the United States, to purchase
294 such user-fee-exempt or tax-exempt cigarettes for purposes of
295 resale. Any person who resells, or offers for resale, user-fee-
296 exempt or tax-exempt cigarettes purchased at post exchanges, ship
297 service stores, ship stores, slop chests, or base exchanges is
298 guilty of a violation of the cigarette user fee ~~tax~~ law,
299 punishable as provided in s. 210.18(1).

300 (b) Upon the sale or gift of cigarettes by charitable
301 organizations to bona fide patients in regularly established
302 government veterans' hospitals in Florida for the personal use or
303 consumption of such patients.

304 (5) It shall be presumed that all cigarettes are subject to
305 the user fee ~~tax~~ imposed by this part until the contrary is
306 established, and the burden of proof that they are not assessable
307 ~~taxable~~ shall be upon the person having possession of them.

308 (6) The sale of single or loose unpacked cigarettes is
309 prohibited. The division may authorize any person to give away
310 sample packages of cigarettes, each to contain not less than two
311 cigarettes upon which the user fees ~~taxes~~ have been paid.

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312 (7) Nothing in this part shall be construed to prohibit the
313 sale of cigarettes, upon which the user fee ~~tax~~ has been
314 advanced, through the medium of vending machines where the user
315 fee ~~tax~~ is collected by the said vending machines.

316 (8) Except as hereinafter provided, all agents shall be
317 liable for the collection and payment of the user fee ~~tax~~ imposed
318 by this part and shall pay the user fee ~~tax~~ to the division by
319 purchasing, under such regulations as it shall prescribe,
320 adhesive stamps of such design and denominations as it shall
321 prescribe.

322 (9) Agents, located within or without the state, shall
323 purchase stamps and affix such stamps in the manner prescribed to
324 packages or containers of cigarettes to be sold, distributed, or
325 given away within the state, in which case any dealer
326 subsequently receiving such stamped packages of cigarettes will
327 not be required to purchase and affix stamps on such packages of
328 cigarettes. However, the division may, in its discretion,
329 authorize manufacturers to distribute in the state free sample
330 packages of cigarettes containing not less than 2 or more than 20
331 cigarettes without affixing any user fee ~~tax~~ stamps provided
332 copies of shipping invoices on such cigarettes are furnished, and
333 payment of all user fees ~~taxes~~ imposed on such cigarettes by law
334 is made, directly to the division not later than the 10th day of
335 each calendar month. The user fee ~~tax~~ on cigarettes in sample
336 packages shall be based on a unit in accordance with the
337 assessment ~~taxing~~ provisions of s. 210.02(1).

338 Section 7. Section 210.05, Florida Statutes, is amended to
339 read:

340 210.05 Preparation and sale of stamps; discount.--

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341 (1) The user fee ~~tax~~ imposed by this part shall be paid by
342 affixing stamps in the manner herein set forth or by affixing
343 stamp insignia through the device of metering machines authorized
344 in this part.

345 (2) The division shall prescribe, prepare, and furnish
346 stamps of such denominations and quantities as may be necessary
347 for the payment of the user fee ~~tax~~ imposed by this part, and may
348 from time to time and as often as it deems advisable provide for
349 the issuance and exclusive use of stamps of a new design and
350 forbid the use of stamps of any other design. However, all stamps
351 prescribed by the division must be designed and furnished in a
352 fashion that permits identification of the agent or wholesale
353 dealer that affixed the stamp to the particular package of
354 cigarettes by means of a serial number or other mark on the
355 stamp. The division shall make provisions for the sale of such
356 stamps at such places and at such time as it may deem necessary.

357 (3) (a) The division may appoint dealers in cigarettes,
358 manufacturers of cigarettes, within or without the state as agent
359 to buy or affix stamps to be used in paying the user fee ~~tax~~
360 herein imposed, but an agent shall at all times have the right to
361 appoint a person in his or her employ who is to affix the stamps
362 to any cigarettes under the agent's control; provided, however,
363 that any wholesale dealer in the state shall have the right to
364 buy and affix such stamps. Whenever the division shall sell and
365 deliver to any such agent or wholesaler any such stamps, such
366 agent or wholesaler shall be entitled to receive as compensation
367 for his or her services and expenses as such agent or wholesaler
368 in affixing and accounting for the user fees ~~taxes~~ represented by
369 such stamps and to retain out of the moneys to be paid by the

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370 agent or wholesaler for such stamps a discount of 2 percent of
371 the par value of any amount of stamps purchased during any fiscal
372 year from July 1 through June 30 of the following year, provided
373 the discount shall be computed on the basis of 24 cents per pack.
374 No such discount shall be allowed to a dealer, vendor, or
375 distributor who sells or deals in any form of candy which
376 resembles drug paraphernalia. Stamping locations approved by the
377 division shall be responsible for computing the discount they
378 receive pursuant to this paragraph, and said computations shall
379 be retained by the stamping location for a period of 5 years and
380 shall be available to the division. All stamps purchased from the
381 division under this part shall be paid for in cash on delivery,
382 except as hereinafter provided.

383 (b) Each agent appointed by the division to affix stamps
384 shall be authorized to purchase stamps by furnishing an
385 irrevocable letter of credit or unconditional guaranty contract
386 or by executing bond with a solvent surety company qualified to
387 do business in this state, in an amount of 110 percent of the
388 agent's estimated user fee ~~tax~~ liability for 30 days, but not
389 less than \$2,000, conditioned upon said agent paying all user
390 fees ~~taxes~~ due the state arising hereunder. This form of payment
391 in lieu of cash on delivery or its equivalent shall not preclude
392 supplemental purchases for cash. Payment for each month's
393 liability shall be due on or before the 10th day of the month
394 following the month in which the stamps were sold. Default in the
395 aforesaid bonding and payment provisions by any agent may result
396 in the revocation of his or her privilege to purchase stamps
397 except for cash on delivery for a period up to 12 months in the
398 discretion of the division.

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399 (4) The division may in its discretion revoke the authority
400 of any agent failing to comply with the requirements of this part
401 or the rules and regulations promulgated hereunder and such agent
402 may in addition be punished in accordance with the provisions of
403 this part.

404 (5) Agents or wholesale dealers may sell stamped but
405 unassessed ~~untaxed~~ cigarettes to the Seminole Indian Tribe, or to
406 members thereof, for retail sale. Agents or wholesale dealers
407 shall treat such cigarettes and the sale thereof in the same
408 manner, with respect to reporting and stamping, as other sales
409 under this part, but agents or wholesale dealers shall not
410 collect from the purchaser the user fee ~~tax~~ imposed by s. 210.02.
411 The purchaser hereunder shall be responsible to the agent or
412 wholesale dealer for the services and expenses incurred in
413 affixing the stamps and accounting therefor.

414 Section 8. Section 210.06, Florida Statutes, is amended to
415 read:

416 210.06 Affixation of stamps; presumption.--

417 (1) Every dealer within the state shall affix or cause to
418 be affixed to such package or container of such cigarettes such
419 stamps as are required under this section within 10 days after
420 receipt of such products. Dealers outside this state shall affix
421 such stamps before the shipment of cigarettes into this state.

422 (a) A user fee ~~tax~~ stamp shall be applied to all cigarette
423 packages intended for sale or distribution to consumers subject
424 to the user fee ~~tax~~ imposed under s. 210.02, except as otherwise
425 provided in this part.

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426 (b) No stamp shall be applied to any cigarette package
427 exempt from a user fee or tax under 26 U.S.C. s. 5704 that is
428 distributed by a manufacturer pursuant to federal regulations.

429 (c) Dealers may apply stamps only to cigarette packages
430 received directly from a manufacturer or importer of cigarettes,
431 or a distributing agent representing a manufacturer or importer
432 of cigarettes, who possesses a valid and current permit under
433 this part.

434 (2) Each retail dealer shall open such box, carton or other
435 container of cigarettes prior to exposing for sale or selling
436 such cigarettes and examine the packages contained therein for
437 the purpose of ascertaining whether or not the said packages have
438 affixed thereto the proper user fee ~~tax~~ stamp. If unstamped or
439 improperly stamped packages of cigarettes are discovered, the
440 retail dealer shall immediately notify the dealer from whom said
441 cigarettes were purchased. Upon such notification, the dealer
442 from whom said cigarettes were purchased shall replace such
443 unstamped or improperly stamped packages of cigarettes with those
444 upon which stamps have been properly affixed, or immediately
445 affix thereto the proper amount of stamps.

446 (3) Whenever any cigarettes are found in the place of
447 business of any such retail dealer, or in the possession of any
448 other person without the stamps affixed, the presumption shall be
449 that such cigarettes are kept in violation of the provisions of
450 this law.

451 (4) Stamps shall be affixed to each package of cigarettes
452 of an aggregate denomination not less than the amount of the user
453 fee ~~tax~~ upon the contents therein, and shall be affixed in such
454 manner as to be visible to the purchaser. All stamps shall be

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455 affixed in the manner prescribed by the division. The state may
456 not impose an additional charge on stamps for printing costs.

457 (5) Except as provided in s. 210.04(9) or s. 210.09(1), no
458 person, other than a dealer or distributing agent that receives
459 unstamped cigarette packages directly from a cigarette
460 manufacturer or importer in accordance with this section and s.
461 210.085, shall hold or possess an unstamped cigarette package.
462 Dealers shall be permitted to set aside, without application of
463 stamps, only such part of the dealer's stock that is identified
464 for sale or distribution outside this state. If a dealer
465 maintains stocks of unstamped cigarette packages, such unstamped
466 packages shall be stored separately from stamped product
467 packages. No unstamped cigarette packages shall be transferred by
468 a dealer to another facility of the dealer within this state or
469 to another person within this state.

470 Section 9. Section 210.07, Florida Statutes, is amended to
471 read:

472 210.07 Metering machines.--

473 (1) (a) The user fee ~~tax~~ may also be paid through the use of
474 cigarette user fee ~~tax~~ stamp insignia to be applied by the use of
475 metering machines. The division shall prescribe and promulgate
476 appropriate rules and regulations governing the use of metering
477 machines, the procedure for the payment of such cigarette user
478 fees ~~taxes~~ through the use thereof, requiring adequate surety
479 bonds of the users thereof to assure the proper use of such
480 machines and payment of all cigarette user fees ~~taxes~~ that might
481 come due by the users thereof, and all other rules and
482 regulations necessary and proper to govern the use of same.

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483 (b) The provisions of s. 210.05(3)(a) and (b) shall be
484 applicable to cigarette user fees ~~taxes~~ paid through the use of
485 metering machines.

486 (2) All provisions of this part governing the use of
487 cigarette user fee ~~tax~~ stamps, the compiling of records, the
488 making of reports, permits and revocation of permits, seizures
489 and forfeitures, penalties, and all other provisions pertaining
490 to the payment of cigarette user fees ~~taxes~~ through the use of
491 stamps, shall likewise be applicable to the payment of said user
492 fees ~~taxes~~ through the use of metering machines.

493 (3) Wholesale or retail dealers of cigarettes owning,
494 leasing, furnishing, or operating cigarette vending machines
495 shall affix to each such machine, in a conspicuous place, an
496 identification sticker furnished by the division. Every sticker
497 shall show the vending machine serial number and the name and
498 address of the cigarette wholesale or retail dealer owning,
499 leasing, furnishing, or operating said vending machine.

500 (4) No vending machine shall be allowed to operate in the
501 state that does not have affixed thereto the identification
502 sticker required by this section nor shall any vending machine be
503 allowed to operate in the state that does not display at all
504 times at least one package of each brand of the packages located
505 therein so the same are clearly visible and arranged in such a
506 manner that the cigarette user fee ~~tax~~ stamps or meter
507 impressions of stamps affixed thereto are clearly visible. It
508 shall be the duty of any person, firm or corporation operating a
509 cigarette vending machine in this state to furnish the division
510 the location of the vending machine and to report within 30 days
511 to the division any change of location of the vending machine.

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512 Section 10. Section 210.08, Florida Statutes, is amended to
513 read:

514 210.08 Bond for payment of user fees ~~taxes~~.--Each dealer,
515 agent, or distributing agent shall file with the division a
516 surety bond, certificate of deposit, or irrevocable letter of
517 credit acceptable to the division in an amount equal to 110
518 percent of the estimated user fee ~~tax~~ liability for 30 days, but
519 not less than \$2,000.

520 Section 11. Subsections (2) and (3) of section 210.09,
521 Florida Statutes, are amended to read:

522 210.09 Records to be kept; reports to be made;
523 examination.--

524 (2) The division is authorized to prescribe and promulgate
525 by rules and regulations, which shall have the force and effect
526 of the law, such records to be kept and reports to be made to the
527 division by any manufacturer, importer, distributing agent,
528 wholesale dealer, retail dealer, common carrier, or any other
529 person handling, transporting or possessing cigarettes for sale
530 or distribution within the state as may be necessary to collect
531 and properly distribute the user fees ~~taxes~~ imposed by s. 210.02.
532 All reports shall be made on or before the 10th day of the month
533 following the month for which the report is made, unless the
534 division by rule or regulation shall prescribe that reports be
535 made more often.

536 (3) All manufacturers, importers, distributing agents,
537 wholesale dealers, agents, or retail dealers shall maintain and
538 keep for a period of 3 years at the place of business where any
539 transaction takes place, such records of cigarettes received,
540 sold, or delivered within the state as may be required by the

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541 | division. The division or its duly authorized representative is
542 | hereby authorized to examine the books, papers, invoices, and
543 | other records, the stock of cigarettes in and upon any premises
544 | where the same are placed, stored, and sold, and the equipment of
545 | any such manufacturers, importers, distributing agents, wholesale
546 | dealers, agents, or retail dealers, pertaining to the sale and
547 | delivery of cigarettes assessable ~~taxable~~ under this part. To
548 | verify the accuracy of the user fee ~~tax~~ imposed and assessed by
549 | this part, each person is hereby directed and required to give to
550 | the division or its duly authorized representatives the means,
551 | facilities, and opportunity for such examinations as are herein
552 | provided for and required.

553 | Section 12. Section 210.11, Florida Statutes, is amended to
554 | read:

555 | 210.11 Refunds; sales of stamps and payment of user fee
556 | ~~tax~~.--Whenever any cigarettes upon which stamps have been placed,
557 | or upon which the user fee ~~tax~~ has been paid by metering machine,
558 | have been sold and shipped into another state for sale or use
559 | therein, or have become unfit for use and consumption or
560 | unsalable, or have been destroyed, the dealer involved shall be
561 | entitled to a refund or credit of the actual amount of the user
562 | fee ~~tax~~ paid with respect to such cigarettes less any discount
563 | allowed by the division in the sale of the stamps or payment of
564 | the user fee ~~tax~~ by metering machine, upon receipt of
565 | satisfactory evidence of the dealer's right to receive such
566 | refund or credit, provided application for refund or credit is
567 | made within 9 months of the date the cigarettes were shipped out
568 | of the state, became unfit, or were destroyed. Only the division
569 | shall sell, or offer for sale, any stamp or stamps issued under

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570 | this part. The division may redeem unused stamps lawfully in the
571 | possession of any person. The division may prescribe necessary
572 | rules and regulations concerning refunds, credits, sales of
573 | stamps, and redemptions under the provisions of this part.
574 | Appropriation is hereby made out of revenues collected under this
575 | part for payment of such allowances.

576 | Section 13. Section 210.13, Florida Statutes, is amended to
577 | read:

578 | 210.13 Determination of user fee ~~tax~~ on failure to file a
579 | return.--If a dealer fails to file any return required under this
580 | part, or having filed an incorrect or insufficient return, fails
581 | to file a correct or sufficient return, as the case may require,
582 | within 10 days after the giving of notice to the dealer by the
583 | Division of Alcoholic Beverages and Tobacco that such return or
584 | corrected or sufficient return is required, the division shall
585 | determine the amount of user fee ~~tax~~ due by such dealer any time
586 | within 3 years after the making of the earliest sale included in
587 | such determination and give written notice of such determination
588 | to such dealer. Such a determination shall finally and
589 | irrevocably fix the user fee ~~tax~~ unless the dealer against whom
590 | it is assessed shall, within 30 days after the giving of notice
591 | of such determination, apply to the division for a hearing.
592 | Judicial review shall not be granted unless the amount of the
593 | user fee ~~tax~~ stated in the decision, with penalties thereon, if
594 | any, shall have been first deposited with the division, and an
595 | undertaking or bond filed in the court in which such cause may be
596 | pending in such amount and with such sureties as the court shall
597 | approve, conditioned that if such proceeding be dismissed or the
598 | decision of the division confirmed, the applicant for review will

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599 | pay all costs and charges which may accrue against the applicant
600 | in the prosecution of the proceeding. At the option of the
601 | applicant, such undertaking or bond may be in an additional sum
602 | sufficient to cover the user fees ~~tax~~, penalties, costs, and
603 | charges aforesaid, in which event the applicant shall not be
604 | required to pay such user fees ~~tax~~ and penalties precedent to the
605 | granting of such review by such court.

606 | Section 14. Section 210.14, Florida Statutes, is amended to
607 | read:

608 | 210.14 Warrant for collection of user fees ~~taxes~~.--

609 | (1) In addition to all other remedies for the collection of
610 | any user fees ~~taxes~~ due under the provisions of this part, the
611 | division may issue a warrant under its official seal, which
612 | warrant may be filed by the division in the office of the clerk
613 | of the circuit court of any county where the delinquent person
614 | ~~taxpayer~~ owns property. Upon presentation of the warrant, the
615 | clerk of the circuit court shall enter it in the judgment docket.
616 | The name of the person mentioned in the warrant, the amount of
617 | the user fee ~~tax~~ and penalties for which the warrant was issued,
618 | and the date such copy was filed shall be included in the record
619 | of the warrant. The clerk shall be allowed the same fees as are
620 | allowed by law for similar services rendered in judgment
621 | execution proceedings. The warrant issued by the division may
622 | then be directed to the sheriff of any county commanding that
623 | sheriff to levy upon and sell the goods and chattels of the
624 | specified delinquent person found within the sheriff's
625 | jurisdiction, for the payment of the amount of such delinquency
626 | plus a penalty equal to 50 percent of the amount thereof, and
627 | interest on the total at 1 percent per month and the cost of

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628 | executing the warrant, and to return such warrant to the division
629 | and to pay it the money collected by virtue thereof within 60
630 | days after receipt of such warrant.

631 | (2) The amount of the warrant docketed pursuant to
632 | subsection (1) shall become a lien upon the title to or the
633 | interest in real or personal property of the person against whom
634 | the warrant is issued. The sheriff to whom any such warrant is
635 | directed shall proceed upon the warrant in all respects and with
636 | like effect and in the same manner as prescribed by law in
637 | respect to executions issued against goods and chattels upon
638 | judgments by a court of record, and the sheriff shall be entitled
639 | to the same fees for his or her services in executing the warrant
640 | to be collected in the same manner.

641 | (3) In the discretion of the division, a warrant of like
642 | terms, force, and effect may be issued and directed to any
643 | officer or employee of the division; and in the execution thereof
644 | such officer or employee shall have all the power conferred by
645 | law upon sheriffs, but shall be entitled to no fee or
646 | compensation in excess of the actual expenses paid in the
647 | performance of such duty. If a warrant is returned not satisfied
648 | in full, the division may from time to time issue new warrants
649 | and shall also have the same remedies to enforce the amount due
650 | thereunder as if the state had recovered judgment therefor and
651 | execution thereon had been returned satisfied.

652 | Section 15. Paragraphs (c) and (h) of subsection (1), and
653 | subsection (2) of section 210.15, Florida Statutes, are amended
654 | to read:

655 | 210.15 Permits.--

656 | (1)

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657 (c) No permit under this part or chapter 569 shall be
658 issued, maintained, or renewed if the applicant, its officers, or
659 any person or persons owning directly or indirectly, in the
660 aggregate, more than 10 percent of the ownership interests in the
661 applicant:

662 1. Has been finally adjudicated as owing \$500 or more in
663 delinquent cigarette user fees ~~taxes~~;

664 2. Had a permit revoked by the division within the previous
665 2 years;

666 3. Has been convicted of selling stolen or counterfeit
667 cigarettes, receiving stolen cigarettes, or being involved in the
668 counterfeiting of cigarettes;

669 4. Has been convicted within the past 5 years of any
670 offense against the cigarette laws of this state or convicted in
671 this state, any other state, or the United States during the past
672 5 years of any offense designated as a felony by such state or
673 the United States, or to a corporation, any of whose officers
674 have been so convicted. The term "convicted" shall include an
675 adjudication of guilt on a plea of guilty or a plea of nolo
676 contendere, or the forfeiture of a bond when charged with a
677 crime;

678 5. Has imported, or caused to be imported, into the United
679 States any cigarette in violation of 19 U.S.C. s. 1681a; or

680 6. Has imported, or caused to be imported, into the United
681 States, or manufactured for sale or distribution in the United
682 States, any cigarette that does not fully comply with the Federal
683 Cigarette Labeling and Advertising Act (15 U.S.C. ss. 1331 et
684 seq.).

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685 (h) No retail sales of cigarettes may be made at a location
686 for which a wholesale dealer, distributing agent, or exporter
687 permit has been issued. The user fee ~~excise tax~~ on sales made to
688 any traveling location, such as an itinerant store or industrial
689 caterer, shall be paid into the General Revenue Fund unallocated.
690 Cigarettes may be purchased for retail purposes only from a
691 person holding a wholesale dealer permit. The invoice for the
692 purchase of cigarettes must show the place of business for which
693 the purchase is made and the cigarettes cannot be transferred to
694 any other place of business for the purpose of resale.

695 (2) The division may not furnish stamps or approve the use
696 of meter machines to evidence the payment of the user fees ~~taxes~~
697 on cigarettes except to qualified wholesale dealers.

698 Section 16. Section 210.18, Florida Statutes, is amended to
699 read:

700 210.18 Penalties for user fee ~~tax~~ evasion; reports by
701 sheriffs.--

702 (1) Any person who possesses or transports any unstamped
703 packages of cigarettes upon the public highways, roads, or
704 streets in the state for the purpose of sale; or who sells or
705 offers for sale unstamped packages of cigarettes in violation of
706 the provisions of this part; or who willfully attempts in any
707 manner to evade or defeat any user fee ~~tax~~ imposed by this part,
708 or the payment thereof, is guilty of a misdemeanor of the first
709 degree, punishable as provided in s. 775.082 or s. 775.083. Any
710 person who has been convicted of a violation of any provision of
711 the cigarette user fee ~~tax~~ law and who is thereafter convicted of
712 a further violation of the cigarette user fee ~~tax~~ law is, upon
713 conviction of such further offense, guilty of a felony of the

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714 third degree, punishable as provided in s. 775.082, s. 775.083,
715 or s. 775.084.

716 (2) Except as otherwise provided in this section, any
717 person who fails, neglects, or refuses to comply with, or
718 violates the provisions of, this part or the rules adopted by the
719 division under this part commits a misdemeanor of the first
720 degree, punishable as provided in s. 775.082 or s. 775.083. Any
721 person who has been convicted of a violation of any provision of
722 the cigarette user fee ~~tax~~ law and who is thereafter convicted of
723 a further violation of the cigarette user fee ~~tax~~ law is, upon
724 conviction of such further offense, guilty of a felony of the
725 third degree, punishable as provided in s. 775.082, s. 775.083,
726 or s. 775.084.

727 (3) Any person who falsely or fraudulently makes, forges,
728 alters, or counterfeits any stamp or impression die used in meter
729 machines prescribed by the division under the provisions of this
730 part; or, with intent to evade user fees ~~taxes~~, jams, tampers
731 with, or alters such a machine; or causes or procures to be
732 falsely or fraudulently made, forged, altered, or counterfeited
733 any such stamp or die; or knowingly and willfully utters,
734 purchases, passes or tenders as true any such false, altered, or
735 counterfeited stamp or die impression; or, with the intent to
736 defraud the state, fails to comply with any other requirement of
737 this part commits a felony of the third degree, punishable as
738 provided in s. 775.082, s. 775.083, or s. 775.084.

739 (4) (a) Any person or corporation that owns or is in
740 possession of any cigarettes upon which a user fee ~~tax~~ is imposed
741 by the cigarette law, or would be imposed if such cigarettes were
742 manufactured in or brought into this state in accordance with the

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743 regulatory provisions of the cigarette law, and upon which such
744 user fee tax has not been paid is, in addition to the fines and
745 penalties otherwise provided in the cigarette law, personally
746 liable for the amount of the user fee tax imposed on such
747 cigarettes; and the division may collect such user fee tax from
748 such person or corporation by suit or by restitution if the
749 person taxpayer is convicted, found guilty, or pleads nolo
750 contendere or guilty to any crime under this chapter. This
751 paragraph is applicable even if adjudication is withheld.

752 (b) This subsection does not apply to a manufacturer or
753 distributor licensed under the cigarette law, to a state bonded
754 warehouse, or to a person possessing not in excess of three
755 cartons of such cigarettes, which cigarettes were purchased by
756 such possessor outside the state in accordance with the laws of
757 the place where purchased and brought into this state by such
758 possessor. The burden of proof that such cigarettes were
759 purchased outside the state and in accordance with the laws of
760 the place where purchased shall in all cases be upon the
761 possessor of such cigarettes.

762 (5) (a) All cigarettes on which user fees taxes are imposed
763 by the cigarette law, or would be imposed if such cigarettes were
764 manufactured in or brought into this state in accordance with the
765 regulatory provisions of such law, which are found in the
766 possession or custody or within the control of any person for the
767 purpose of being sold or removed by him or her in fraud of the
768 cigarette law or with design to evade payment of such user fees
769 ~~taxes~~ may be seized by the division or any supervisor, sheriff,
770 deputy sheriff, or other law enforcement agent and shall be
771 forfeited to the state.

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772 (b) This subsection does not apply to a person possessing
773 not in excess of three cartons of cigarettes, which cigarettes
774 were purchased by such possessor outside the state in accordance
775 with the laws of the place where purchased and brought into this
776 state by such possessor.

777 (6) (a) Every person, firm, or corporation, other than a
778 licensee under the provisions of this part, who possesses,
779 removes, deposits, or conceals, or aids in the possessing,
780 removing, depositing, or concealing of, any unstamped cigarettes
781 not in excess of 50 cartons is guilty of a misdemeanor of the
782 second degree, punishable as provided in s. 775.082 or s.
783 775.083. In lieu of the penalties provided in those sections,
784 however, the person, firm, or corporation may pay the user fee
785 ~~tax~~ plus a penalty equal to the amount of the user fee ~~tax~~
786 authorized under s. 210.02 on the unstamped cigarettes.

787 (b) Every person, firm, or corporation, other than a
788 licensee under the provisions of this part, who possesses,
789 removes, deposits, or conceals, or aids in the possessing,
790 removing, depositing, or concealing of, any unstamped cigarettes
791 in excess of 50 cartons is presumed to have knowledge that they
792 have not been assessed the user fee ~~taxed~~ and is guilty of a
793 felony of the third degree, punishable as provided in s. 775.082,
794 s. 775.083, or s. 775.084.

795 (c) This section does not apply to a person possessing not
796 in excess of three cartons of such cigarettes purchased by such
797 possessor outside the state in accordance with the laws of the
798 place where purchased and brought into this state by such
799 possessor. The burden of proof that such cigarettes were
800 purchased outside the state and in accordance with the laws of

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801 | the place where purchased shall in all cases be upon the
802 | possessor of such cigarettes.

803 | (7) Any sheriff, deputy sheriff, police officer, or state
804 | law enforcement officer, upon the seizure of any unstamped
805 | cigarettes under this section, shall promptly report such seizure
806 | to the division or its representative, together with a
807 | description of all such unstamped cigarettes seized, so that the
808 | state may be kept informed as to the size and magnitude of the
809 | illicit cigarette business. The division shall keep records
810 | showing the number of seizures and seized cigarettes reported to,
811 | or seized by, the division.

812 | (8) (a) It is unlawful for any person to conspire with any
813 | other person or persons to do any act in violation of the
814 | provisions of this part, when any one or more of such persons
815 | does or commits any act to effect the object of the conspiracy.

816 | (b) Any person who violates the provisions of this
817 | subsection:

818 | 1. If the act conspired to be done would constitute a
819 | misdemeanor, is guilty of a misdemeanor of the second degree,
820 | punishable as provided in s. 775.082 or s. 775.083.

821 | 2. If the act conspired to be done would constitute a
822 | felony, is guilty of a felony of the third degree, punishable as
823 | provided in s. 775.082, s. 775.083, or s. 775.084.

824 | (9) Notwithstanding any other provision of law, the sale or
825 | possession for sale of counterfeit cigarettes by any person or by
826 | a manufacturer, importer, distributing agent, wholesale dealer,
827 | or retail dealer shall result in the seizure of the product and
828 | related machinery by the division or any law enforcement agency.

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829 (10) It is unlawful to sell or possess with the intent to
830 sell counterfeit cigarettes, as defined in s. 210.01(22).

831 (a) A person who does not hold a permit or holds a retail
832 permit under the provisions of this chapter and who violates this
833 subsection commits a felony of the third degree, punishable as
834 provided in s. 775.082, s. 775.083, or s. 775.084, and is subject
835 to the imposition of fines and additional penalties as follows:

836 1. If the quantity of counterfeit cigarettes sold or
837 possessed with the intent to sell is less than two cartons or the
838 equivalent, the fine for a first violation shall not exceed
839 \$1,000 or five times the retail value of the counterfeit
840 cigarettes, whichever is greater. A subsequent violation may
841 result in the imposition of a fine not to exceed \$5,000 or five
842 times the retail value of the counterfeit cigarettes, whichever
843 is greater, and shall result in revocation of the retail permit
844 by the division.

845 2. If the quantity of counterfeit cigarettes sold or
846 possessed with the intent to sell is two cartons or more or the
847 equivalent, the fine for a first violation shall not exceed
848 \$2,000 or five times the retail value of the counterfeit
849 cigarettes, whichever is greater. A subsequent violation may
850 result in the imposition of a fine not to exceed \$50,000 or five
851 times the retail value of the counterfeit cigarettes, whichever
852 is greater, and shall result in revocation of the retail permit
853 by the division.

854 (b) A person who holds a permit, other than a retail
855 permit, under the provisions of this chapter and who violates
856 this subsection commits a felony of the third degree, punishable
857 as provided in s. 775.082, s. 775.083, or s. 775.084, and is

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858 subject to the imposition of fines and additional penalties as
859 follows:

860 1. If the quantity of counterfeit cigarettes sold or
861 possessed with the intent to sell is less than 10 cartons or the
862 equivalent, the fine for a first violation shall not exceed
863 \$1,000 or five times the retail value of the counterfeit
864 cigarettes, whichever is greater. A subsequent violation may
865 result in the imposition of a fine not to exceed \$5,000 or five
866 times the retail value of the counterfeit cigarettes, whichever
867 is greater, and shall result in revocation of the permit by the
868 division.

869 2. If the quantity of counterfeit cigarettes sold or
870 possessed with the intent to sell is 10 cartons or more or the
871 equivalent, the fine for a first violation shall not exceed
872 \$2,000 or five times the retail value of the counterfeit
873 cigarettes, whichever is greater. A subsequent violation may
874 result in the imposition of a fine not to exceed \$50,000 or five
875 times the retail value of the counterfeit cigarettes, whichever
876 is greater, and shall result in revocation of the permit by the
877 division.

878
879 For purposes of this subsection, any counterfeit cigarettes
880 seized by the division shall be destroyed.

881 Section 17. Subsection (2) of section 210.181, Florida
882 Statutes, is amended to read:

883 210.181 Civil penalties.--

884 (2) Whoever fails to pay any user fee ~~tax~~ imposed by this
885 part at the time prescribed by law or rules shall, in addition to

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886 any other penalty provided in this part, be liable for a penalty
887 of five times the unpaid user fees ~~tax~~ due.

888 Section 18. Subsection (2) and paragraph (c) of subsection
889 (6) of section 210.185, Florida Statutes, are amended to read:

890 210.185 Prohibition on sale or distribution of cigarettes;
891 criminal penalties; administrative sanctions; applicability.--

892 (2) DOCUMENTATION.--On or before the 10th day of each
893 month, each person permitted to affix the user fee ~~tax~~ stamp to
894 cigarettes shall file with the division, for all cigarettes
895 imported into the United States to which the person has affixed
896 the user fee ~~tax~~ stamp in the preceding month, a copy of the
897 permit issued under the Internal Revenue Code, 26 U.S.C. s. 5713,
898 to the person importing the cigarettes into the United States
899 which allows that person to import those cigarettes; a copy of
900 the customs form containing, with respect to the cigarettes, the
901 internal revenue tax information required by the United States
902 Bureau of Alcohol, Tobacco and Firearms; and a statement, signed
903 by an officer of the manufacturer or importer under penalty of
904 perjury, certifying that the manufacturer or importer has
905 complied with the package health warning and ingredient reporting
906 requirements of the Federal Cigarette Labeling and Advertising
907 Act, 15 U.S.C. ss. 1333 and 1335a, with respect to those
908 cigarettes.

909 (6) GENERAL PROVISIONS.--

910 (c) In addition to any other remedy provided by law,
911 including enforcement as provided in paragraph (a), any person
912 may bring an action for appropriate injunctive or other equitable
913 relief for a violation of this section; for actual damages, if
914 any, sustained by reason of the violation; and, as determined by

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915 the court, for interest on the damages from the date of the
916 complaint, assessable ~~taxable~~ costs, and reasonable attorney's
917 fees. If the trier of fact finds that the violation is flagrant,
918 it may increase recovery to an amount not in excess of 3 times
919 the actual damages sustained by reason of the violation.

920 Section 19. Section 210.19, Florida Statutes, is amended to
921 read:

922 210.19 Records to be kept by division.--The division shall
923 keep records showing the total amount of user fees ~~taxes~~
924 collected, which records shall be open to the public during the
925 regular office hours of the division. The division shall maintain
926 records that identify which agent or wholesale dealer affixed the
927 user fee ~~tax~~ stamp to each package of cigarettes. The identifying
928 records must be made available for public inspection and retained
929 for at least 3 years.

930 Section 20. Subsection (2) of section 210.20, Florida
931 Statutes, is amended to read:

932 210.20 Employees and assistants; distribution of funds.--

933 (2) (a) For purposes of this subsection, the term:

934 1. "Agency" means the Agency for Health Care

935 Administration.

936 2. "Cigarette user fee" means the user fee imposed by s.

937 210.02.

938 3. "Council" means the Biomedical Research Advisory Council
939 within the Department of Health as established in s. 215.5602.

940 4. "Reference year" means July 1, 2007, to June 30, 2008.

941 5. "Total collections" means the total amount derived from
942 the cigarette user fee during a specified period of time.

943 6. "Net collections" means 99.1 percent of the total

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944 collections less the service charges provided for in s. 215.20.

945 7. "Reference year allocation" means the total amount
946 credited or transferred from the Cigarette Tax Collection Trust
947 Fund to a particular trust fund or the General Revenue Fund
948 during the reference year divided by 12.

949 8. "Total base allocation" means, for a given month, 8.333
950 percent of the average of the projected net collections for the
951 fiscal year containing such month, based on the most recent
952 estimates generated by a Revenue Estimating Conference convened
953 pursuant to s. 216.136(3), or net collections for such month,
954 whichever is less.

955 (b) As collections are received by the division from the
956 user fee on cigarettes ~~such cigarette taxes,~~ it shall pay the
957 same into a trust fund in the State Treasury designated
958 "Cigarette Tax Collection Trust Fund." ~~which shall be paid and~~
959 ~~distributed as follows:~~

960 (c) ~~(a)~~ The division shall from month to month certify to
961 the Chief Financial Officer the amount of net collections derived
962 from the cigarette user fee tax imposed by s. 210.02, ~~less the~~
963 ~~service charges provided for in s. 215.20 and less 0.9 percent of~~
964 ~~the amount derived from the cigarette tax imposed by s. 210.02,~~
965 ~~which shall be deposited into the Alcoholic Beverage and Tobacco~~
966 ~~Trust Fund,~~ specifying the amounts to be transferred from the
967 Cigarette Tax Collection Trust Fund and credited on the following
968 bases; however, the division shall first deposit monthly into the
969 Alcoholic Beverage and Tobacco Trust Fund an amount equal to the
970 sum of 0.9 percent of total collections and the service charge on
971 total collection provided for in s. 215.20 as follows:

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972 1. The sum of 0.8218 percent ~~basis of 2.9 percent~~ of the
973 total base allocation ~~net collections~~ to the Revenue Sharing
974 Trust Fund for Counties for distribution pursuant to the Florida
975 Revenue Sharing Act.

976 2. The sum of 8.4551 percent ~~and 29.3 percent~~ of the total
977 base allocation to the Public Medical Assistance Trust Fund ~~net~~
978 ~~collections~~ for the funding of indigent health care pursuant to
979 s. 409.918 ~~to the Public Medical Assistance Trust Fund.~~

980 3. The sum of 20.1247 percent of the total base allocation
981 in fiscal year 2008-2009 to the Public Medical Assistance Trust
982 Fund to offset the assessment levied on the annual net operating
983 revenue for inpatient and outpatient services provided by
984 hospitals pursuant to s. 395.701, as such assessment existed on
985 January 1, 2008. In subsequent fiscal years, an equivalent amount
986 shall be transferred to the Public Medical Assistance Trust for
987 such purpose, regardless of the amount of net collections.

988 4. The sum of 1.5 percent of the total base allocation to
989 the H. Lee Moffitt Cancer Center and Research Institute
990 established in s. 1004.43, which shall be paid on a monthly basis
991 to the center's Board of Directors by warrant drawn by the Chief
992 Financial Officer upon the State Treasury. The revenues derived
993 from this allocation are separate and distinct from any funds
994 allocated to the H. Lee Moffitt Cancer Center through the James
995 and Esther King Biomedical Research Program or the Bankhead-Coley
996 Cancer Research Program. Funds derived pursuant this subparagraph
997 are to be used for the purpose of constructing, furnishing, and
998 equipping cancer research, treatment, and related facilities. The
999 appropriation to the H. Lee Moffitt Cancer Center and Research
1000 Institute authorized by this subparagraph shall not be less than

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1001 the amount that would have been paid to the H. Lee Moffitt and
1002 Cancer Research Institute for fiscal year 2006-2007 had this
1003 subparagraph been in effect.

1004 5. The sum of 5.9179 percent of the total base allocation
1005 to the Biomedical Research Trust Fund for distribution by the
1006 Biomedical Research Advisory Council to grantees of the James and
1007 Esther King Biomedical Research Program authorized pursuant to s.
1008 215.5602 and the Bankhead-Coley Cancer Research Program
1009 authorized pursuant to s. 381.922, with such programs dividing
1010 equally the allocation derived from this subparagraph. The
1011 provisions of ss. 215.5602 and 381.922 shall determine the
1012 methods of distribution under the respective programs.

1013 6. The sum of 18.5013 percent of the total base allocation
1014 to the Medical Care Trust Fund for the funding of the Medically
1015 Needy program established pursuant to 42 U.S.C. ss. 1396(a) and
1016 (d) and 409.904(2).

1017 7. The sum of 18.5013 percent of the total base allocation
1018 to the Medical Care Trust Fund for the funding of annual
1019 adjustments to fee reimbursements made to physicians for services
1020 provided under the Medicaid program so that Medicaid
1021 reimbursement rates are made to equal the Medicare reimbursement
1022 rates as such rates existed on January 1, 2008.

1023 8. The sum of 4.5194 percent of the total base allocation
1024 to the Medical Care Trust Fund for the funding of children's
1025 health care coverage through the Florida Kidcare program
1026 established in ss. 409.810-409.820. It is the intent of the
1027 Legislature to use cigarette user fee collections to increase
1028 enrollment of previously uninsured children in the Florida
1029 Kidcare program and minimize disruption of such coverage for

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1030 children at risk for involuntary or premature disenrollment from
1031 the program. Therefore, for the purposes of this subparagraph,
1032 such credits shall be made each month to the Medical Care Trust
1033 Fund as follows:

1034 a. A percentage of the total base allocation shall first be
1035 credited to fund efforts to ensure appropriate retention of
1036 coverage by, and prevention of, the involuntary or premature
1037 disenrollment from coverage for children enrolled in the Florida
1038 Kidcare program during any month in which such children are not
1039 subject to disenrollment under the laws and policies in effect,
1040 but would have been subject to disenrollment if the laws and
1041 policies governing the Florida Kidcare program in effect on June
1042 30, 2008, had remained in effect during such month. The
1043 percentage shall be determined by the agency for each fiscal year
1044 based on the estimated amount needed to fully fund such retention
1045 and prevention efforts, except that such percentage shall not
1046 exceed one-tenth of the allocation in this subparagraph and shall
1047 remain fixed throughout the fiscal year.

1048 b. A percentage of the total base allocation shall next be
1049 credited to fund the coverage of children who are enrolled in the
1050 Florida Kidcare program and covered under Title XXI of the Social
1051 Security Act during any month. The percentage shall be determined
1052 by the agency based on the estimated amount needed to fund
1053 coverage for a number of children equal to the number enrolled in
1054 the Florida Kidcare program and covered under Title XXI of the
1055 Social Security Act during such month, as certified to the Chief
1056 Financial Officer by the agency less the number of children
1057 similarly enrolled and covered as of June 30, 2008. Such
1058 percentage shall not exceed a percentage equal to 4.5194 percent

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1059 less the percentage established pursuant to sub-subparagraph 8.a.

1060 9. The sum of 3.4 percent of the total base allocation for
1061 the funding of medical residency and fellowship programs, as
1062 determined by the Legislature, with primary emphasis given to the
1063 establishment of residencies in the fields of oncology,
1064 cardiology, and pulmonary medicine.

1065 ~~(b)1. Beginning January 1, 1999, and continuing for 10~~
1066 ~~years thereafter, the division shall from month to month certify~~
1067 ~~to the Chief Financial Officer the amount derived from the~~
1068 ~~cigarette tax imposed by s. 210.02, less the service charges~~
1069 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
1070 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
1071 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
1072 ~~specifying an amount equal to 2.59 percent of the net~~
1073 ~~collections, and that amount shall be paid to the Board of~~
1074 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
1075 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
1076 ~~Chief Financial Officer upon the State Treasury. These funds are~~
1077 ~~hereby appropriated monthly out of the Cigarette Tax Collection~~
1078 ~~Trust Fund, to be used for the purpose of constructing,~~
1079 ~~furnishing, and equipping a cancer research facility at the~~
1080 ~~University of South Florida adjacent to the H. Lee Moffitt Cancer~~
1081 ~~Center and Research Institute. In fiscal years 1999-2000 and~~
1082 ~~thereafter with the exception of fiscal year 2008-2009, the~~
1083 ~~appropriation to the H. Lee Moffitt Cancer Center and Research~~
1084 ~~Institute authorized by this subparagraph shall not be less than~~
1085 ~~the amount that would have been paid to the H. Lee Moffitt Cancer~~
1086 ~~Center and Research Institute for fiscal year 1998-1999 had~~

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1087 ~~payments been made for the entire fiscal year rather than for a~~
1088 ~~6-month period thereof.~~

1089 ~~2. Beginning July 1, 2002, and continuing through June 30,~~
1090 ~~2004, the division shall, in addition to the distribution~~
1091 ~~authorized in subparagraph 1., from month to month certify to the~~
1092 ~~Chief Financial Officer the amount derived from the cigarette tax~~
1093 ~~imposed by s. 210.02, less the service charges provided for in s.~~
1094 ~~215.20 and less 0.9 percent of the amount derived from the~~
1095 ~~cigarette tax imposed by s. 210.02, which shall be deposited into~~
1096 ~~the Alcoholic Beverage and Tobacco Trust Fund, specifying an~~
1097 ~~amount equal to 0.2632 percent of the net collections, and that~~
1098 ~~amount shall be paid to the Board of Directors of the H. Lee~~
1099 ~~Moffitt Cancer Center and Research Institute, established under~~
1100 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~

1101 ~~Beginning July 1, 2004, and continuing through June 30, 2016, the~~
1102 ~~division shall, in addition to the distribution authorized in~~
1103 ~~subparagraph 1., from month to month certify to the Chief~~
1104 ~~Financial Officer the amount derived from the cigarette tax~~
1105 ~~imposed by s. 210.02, less the service charges provided for in s.~~
1106 ~~215.20 and less 0.9 percent of the amount derived from the~~
1107 ~~cigarette tax imposed by s. 210.02, which shall be deposited into~~
1108 ~~the Alcoholic Beverage and Tobacco Trust Fund, specifying an~~
1109 ~~amount equal to 1.47 percent of the net collections, and that~~
1110 ~~amount shall be paid to the Board of Directors of the H. Lee~~
1111 ~~Moffitt Cancer Center and Research Institute, established under~~
1112 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~

1113 ~~These funds are appropriated monthly out of the Cigarette Tax~~
1114 ~~Collection Trust Fund, to be used for the purpose of~~
1115 ~~constructing, furnishing, and equipping a cancer research~~

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1116 ~~facility at the University of South Florida adjacent to the H.~~
1117 ~~Lee Moffitt Cancer Center and Research Institute. In fiscal years~~
1118 ~~2004-2005 and thereafter, the appropriation to the H. Lee Moffitt~~
1119 ~~Cancer Center and Research Institute authorized by this~~
1120 ~~subparagraph shall not be less than the amount that would have~~
1121 ~~been paid to the H. Lee Moffitt Cancer Center and Research~~
1122 ~~Institute in fiscal year 2001-2002, had this subparagraph been in~~
1123 ~~effect.~~

1124 (d) During any month, the total amount credited or
1125 transferred from the Cigarette Tax Collection Trust Fund for any
1126 of the uses provided in subparagraph (c)1., subparagraph (c)2.,
1127 or subparagraph (c)4. may not be less than the corresponding
1128 reference year allocation, otherwise, all other amounts to be
1129 transferred or credited pursuant to paragraph (c) must be reduced
1130 proportionately by the minimum amount necessary so that a
1131 reassignment of the total reduction amounts proportionately
1132 increases the amounts to be credited or transferred pursuant to
1133 subparagraph (c)1., subparagraph (c)2., or subparagraph (c)4. to
1134 their corresponding reference year allocation levels, except that
1135 if the sum of all reference year allocations exceeds the total
1136 base allocation, credits or transfers shall be made only for the
1137 latter three purposes in relatively proportionate amounts.

1138 (e) If the total base allocation for a particular month
1139 exceeds the total base allocation for any previous month within
1140 the same fiscal year, the amounts to be credited or transferred
1141 for each of the purposes described in paragraph (c) shall be
1142 increased proportionately, subject to the availability of
1143 appropriations; however, the total supplemental allocation may
1144 not exceed an amount in accordance with the formula: SA = M x

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1145 TBA(c) - TBA(i), where:

1146 1. "SA" is the maximum total supplemental allocation for
1147 the current month.

1148 2. "M" is the number of prior months in the current fiscal
1149 year.

1150 3. "TBA(c)" is the total base allocation for the current
1151 month.

1152 4. "TBA(i)" is the sum of total base allocations for all of
1153 the prior months in the current fiscal year.

1154 Section 21. Section 210.201, Florida Statutes, is amended
1155 to read:

1156 210.201 ~~Cancer facilities research facility at the~~
1157 ~~University of South Florida; establishment; funding.--The Board~~
1158 ~~of Directors of the H. Lee Moffitt Cancer Center and Research~~
1159 ~~Institute shall construct, furnish, and equip, and shall covenant~~
1160 ~~to complete, the cancer research facility at the University of~~
1161 ~~South Florida adjacent to the H. Lee Moffitt Cancer Center and~~
1162 ~~Research Institute. Moneys transferred to the Board of Directors~~
1163 ~~of the H. Lee Moffitt Cancer Center and Research Institute~~
1164 ~~pursuant to s. 210.20 shall be used to secure financing to pay or~~
1165 ~~secure bonds or financial products issued or incurred in~~
1166 ~~connection with the financing of costs related to constructing,~~
1167 ~~furnishing, and equipping the cancer research, treatment, and~~
1168 ~~related facilities facility. Such financing may include the~~
1169 ~~issuance of tax-exempt bonds or other forms of indebtedness by a~~
1170 ~~local authority, municipality, or county pursuant to parts II and~~
1171 ~~III of chapter 159. Such bonds shall not constitute state bonds~~
1172 ~~for purposes of s. 11, Art. VII of the State Constitution, but~~
1173 ~~shall constitute bonds of a "local agency," as defined in s.~~

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1174 159.27(4). The cigarette user fee ~~tax~~ dollars pledged to the
1175 facilities ~~this facility~~ pursuant to s. 210.20 may be replaced
1176 annually by the Legislature from tobacco litigation settlement
1177 proceeds.

1178 Section 22. Subsections (1), (2), (12), (13), (14), and
1179 (15) of section 215.5602, Florida Statutes, are amended to read:

1180 215.5602 James and Esther King Biomedical Research
1181 Program.--

1182 (1) There is established within the Department of Health
1183 the James and Esther King Biomedical Research Program funded by
1184 the designated proceeds of s. 210.20(2)(c)5., as well as any
1185 prescribed portion of the Lawton Chiles Endowment Fund pursuant
1186 to s. 215.5601. The purpose of the James and Esther King
1187 Biomedical Research Program is to provide an annual and perpetual
1188 source of funding in order to support research initiatives that
1189 address the health care problems of Floridians in the areas of
1190 tobacco-related cancer, cardiovascular disease, stroke, and
1191 pulmonary disease. The long-term goals of the program are to:

1192 (a) Improve the health of Floridians by researching better
1193 prevention, diagnoses, treatments, and cures for cancer,
1194 cardiovascular disease, stroke, and pulmonary disease.

1195 (b) Expand the foundation of biomedical knowledge relating
1196 to the prevention, diagnosis, treatment, and cure of diseases
1197 related to tobacco use, including cancer, cardiovascular disease,
1198 stroke, and pulmonary disease.

1199 (c) Improve the quality of the state's academic health
1200 centers by bringing the advances of biomedical research into the
1201 training of physicians and other health care providers.

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1202 (d) Increase the state's per capita funding for research by
1203 undertaking new initiatives in public health and biomedical
1204 research that will attract additional funding from outside the
1205 state.

1206 (e) Stimulate economic activity in the state in areas
1207 related to biomedical research, such as the research and
1208 production of pharmaceuticals, biotechnology, and medical
1209 devices.

1210 (f) Expand the research capacity and infrastructure needed
1211 to conduct research on tobacco-related illnesses, with the
1212 provision of fixed capital outlay project funding as deemed
1213 appropriate by the Biomedical Research Advisory Council within
1214 the program's annual appropriation and with up to 25 percent of
1215 the program's annual funding allocation applied for this purpose
1216 by the council.

1217 (2) Funds appropriated for the James and Esther King
1218 Biomedical Research Program shall be used exclusively for the
1219 award of grants and fellowships as established in this section;
1220 for research relating to the prevention, diagnosis, treatment,
1221 and cure of diseases related to tobacco use, including cancer,
1222 cardiovascular disease, stroke, and pulmonary disease; for
1223 expenditures related to the expansion of tobacco-related research
1224 capacity and infrastructure within the state, including the
1225 provision of capital outlay costs to achieve such purpose; and
1226 for expenses incurred in the administration of this section.
1227 Priority shall be granted to research designed to prevent or cure
1228 disease.

1229 (12) Beginning in fiscal year 2006-2007, the sum of \$6
1230 million is appropriated annually from recurring funds in the

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1231 General Revenue Fund to the Biomedical Research Trust Fund within
1232 the Department of Health for purposes of the James and Esther
1233 King Biomedical Research Program pursuant to this section. From
1234 these funds up to \$1 million ~~\$250,000~~ shall be available for the
1235 operating costs of the Florida Center for Universal Research to
1236 Eradicate Disease.

1237 (13) By June 1, 2009, the Division of Statutory Revision of
1238 the Office of Legislative Services shall certify to the President
1239 of the Senate and the Speaker of the House of Representatives the
1240 language and statutory citation of this section, which is
1241 scheduled to expire January 1, 2015 ~~2011~~.

1242 (14) The Legislature shall review the performance, the
1243 outcomes, and the financial management of the James and Esther
1244 King Biomedical Research Program during the 2014 ~~2010~~ Regular
1245 Session of the Legislature and shall determine the most
1246 appropriate funding source and means of funding the program based
1247 on its review.

1248 (15) This section expires January 1, 2015 ~~2011~~, unless
1249 reviewed and reenacted by the Legislature before that date.

1250 Section 23. Subsections (1) and (2) of section 381.922,
1251 Florida Statutes, are amended, present subsections (6), (7), and
1252 (8) of that section are amended and redesignated as subsections
1253 (7), (8), and (9), respectively, and a new subsection (6) is
1254 added to that section, to read:

1255 381.922 William G. "Bill" Bankhead, Jr., and David Coley
1256 Cancer Research Program.--

1257 (1) The William G. "Bill" Bankhead, Jr., and David Coley
1258 Cancer Research Program, which may be otherwise cited as the
1259 "Bankhead-Coley Program," is created within the Department of

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1260 Health. The purpose of the program shall be to advance progress
1261 towards cures for cancer through grants awarded through a peer-
1262 reviewed, competitive process, and to expand cancer research and
1263 treatment capacity in the state.

1264 (2) The program shall provide grants for cancer research to
1265 further the search for cures for cancer, for the recruitment of
1266 cancer researchers and research teams to institutions within the
1267 state, for operational start-up grants for newly recruited cancer
1268 researchers and research teams, and for fixed capital outlay
1269 expenditures related to the expansion of cancer research and
1270 treatment capacity in Florida, with up to 25 percent of the
1271 program's annual allocation applied to these purposes.

1272 (a) Emphasis shall be given to the goals enumerated in s.
1273 381.921, as those goals support the advancement of such cures.

1274 (b) Preference may be given to grant proposals that foster
1275 collaborations among institutions, researchers, and community
1276 practitioners, as such proposals support the advancement of cures
1277 through basic or applied research, including clinical trials
1278 involving cancer patients and related networks.

1279 (6) Beginning in the 2008-2009 fiscal year, and every year
1280 thereafter, designated proceeds generated by s. 210.20(2)(c)5.
1281 shall be employed to enhance the purposes prescribed in this
1282 section.

1283 (7)(6) By June 1, 2009, the Division of Statutory Revision
1284 of the Office of Legislative Services shall certify to the
1285 President of the Senate and the Speaker of the House of
1286 Representatives the language and statutory citation of this
1287 section, which is scheduled to expire January 1, 2015 ~~2011~~.

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1288 ~~(8)(7)~~ The Legislature shall review the performance, the
1289 outcomes, and the financial management of the William G. "Bill"
1290 Bankhead, Jr., and David Coley Cancer Research Program during the
1291 2014 ~~2010~~ Regular Session of the Legislature and shall determine
1292 the most appropriate funding source and means of funding the
1293 program based on its review.

1294 ~~(9)(8)~~ This section expires January 1, 2015 ~~2011~~, unless
1295 reviewed and reenacted by the Legislature before that date.

1296 Section 24. Subsections (1) and (2) of section 395.701,
1297 Florida Statutes, are amended to read:

1298 395.701 Annual assessments on net operating revenues for
1299 inpatient and outpatient services to fund public medical
1300 assistance; administrative fines for failure to pay assessments
1301 when due; exemption.--

1302 (1) For the purposes of this section, the term:

1303 (a) "Agency" means the Agency for Health Care
1304 Administration.

1305 (b) "Gross operating revenue" or "gross revenue" means the
1306 sum of daily hospital service charges, ambulatory service
1307 charges, ancillary service charges, and other operating revenue.

1308 (c) "Hospital" means a health care institution as defined
1309 in s. 395.002(12), but does not include any hospital operated by
1310 the agency or the Department of Corrections.

1311 (d) "Net operating revenue" or "net revenue" means gross
1312 revenue less deductions from revenue.

1313 ~~(e) "Relative share" means the percentage of the net~~
1314 operating revenue generated by a hospital for a certain month
1315 which comprises the total net operating revenue generated by all
1316 such hospitals for such month, as determined by the agency.

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1317 ~~(f)(e)~~ "Total deductions from gross revenue" or "deductions
1318 from revenue" means reductions from gross revenue resulting from
1319 inability to collect payment of charges. Such reductions include
1320 bad debts; contractual adjustments; uncompensated care;
1321 administrative, courtesy, and policy discounts and adjustments;
1322 and other such revenue deductions, but also includes the offset
1323 of restricted donations and grants for indigent care.

1324 (2) (a) There is imposed upon each hospital an assessment in
1325 an amount equal to 1.5 percent of the annual net operating
1326 revenue for inpatient services for each hospital, such revenue to
1327 be determined by the agency, based on the actual experience of
1328 the hospital during its fiscal year as reported to the agency,
1329 less the sum of all relative shares of all monthly amounts
1330 credited or transferred during such fiscal year from the
1331 Cigarette Tax Collections Trust Fund to the Public Medical
1332 Assistance Trust Fund pursuant to s.210.20(2)(b)3. Within 6
1333 months after the end of each hospital fiscal year, the agency
1334 shall certify the amount of the assessment for each hospital. The
1335 assessment shall be payable to and collected by the agency in
1336 equal quarterly amounts, on or before the first day of each
1337 calendar quarter, beginning with the first full calendar quarter
1338 that occurs after the agency certifies the amount of the
1339 assessment for each hospital. All moneys collected pursuant to
1340 this subsection shall be deposited into the Public Medical
1341 Assistance Trust Fund.

1342 (b) There is imposed upon each hospital an assessment in an
1343 amount equal to 1 percent of the annual net operating revenue for
1344 outpatient services for each hospital during its fiscal year,
1345 such revenue to be determined by the agency, based on the actual

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1346 experience of the hospital as reported to the agency, less the
1347 sum of all relative shares of all monthly amounts credited or
1348 transferred during such fiscal year from the Cigarette Tax
1349 Collections Trust Fund to the Public Medical Assistance Trust
1350 Fund pursuant to s. 210.20(2)(c)3. While prior year report
1351 worksheets may be reconciled to the hospital's audited financial
1352 statements, no additional audited financial components may be
1353 required for the purposes of determining the amount of the
1354 assessment imposed pursuant to this section other than those in
1355 effect on July 1, 2000. Within 6 months after the end of each
1356 hospital fiscal year, the agency shall certify the amount of the
1357 assessment for each hospital. The assessment shall be payable to
1358 and collected by the agency in equal quarterly amounts, on or
1359 before the first day of each calendar quarter, beginning with the
1360 first full calendar quarter that occurs after the agency
1361 certifies the amount of the assessment for each hospital. All
1362 moneys collected pursuant to this subsection shall be deposited
1363 into the Public Medical Assistance Trust Fund.

1364 Section 25. Section 395.7015, Florida Statutes, is
1365 repealed.

1366 Section 26. By December 1, 2009, and before December 1 of
1367 each year thereafter, the Department of Health shall submit to
1368 the Governor, the President of the Senate, and the Speaker of the
1369 House of Representatives a report containing an estimate of the
1370 financial impact of tobacco use and related illnesses on the
1371 state's economy and its taxpayers for each of the prior 10 years,
1372 as well as an estimate of the value of cost savings associated
1373 with the expenditure of revenues generated by the cigarette user

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1374 | fee imposed by s. 210.02, Florida Statutes, during the same
1375 | period.

1376 | Section 27. This act shall take effect July 1, 2008.