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1
2 An act relating to distribution of funds; amending s.
3 210.20, F.S.; revising the specified dates during
4 which the Division of Alcoholic Beverages and Tobacco
5 within the Department of Business and Professional
6 Regulation is required to certify the amount derived
7 from the cigarette tax which is deposited into the
8 Alcoholic Beverage and Tobacco Trust Fund; amending s.
9 215.5602, F.S.; requiring that revenue deposited into
10 the Health Care Trust Fund within the Agency for
11 Health Care Administration be reserved for certain
12 research beginning in a specified fiscal year and
13 transferred to the Biomedical Research Trust Fund
14 within the Department of Health in a specified fiscal
15 year; prohibiting the amount of revenue transferred or
16 reserved from exceeding certain amounts; amending s.
17 381.84, F.S.; revising provisions limiting certain
18 activities of the Florida Area Health Education
19 Network and the Department of Health to a specified
20 fiscal year; requiring the department to award a
21 contract or grant to the AHEC network for the purpose
22 of developing a smoking-cessation initiative for a
23 specified fiscal year; revising a provision
24 authorizing the AHEC network to apply for a
25 competitive grant during a specified fiscal year;
26 amending s. 381.922, F.S.; requiring that revenue
27 deposited into the Health Care Trust Fund within the
28 Agency for Health Care Administration be transferred
29 to the Biomedical Research Trust Fund within the

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30 Department of Health in a specified fiscal year for a
31 certain cancer research program; prohibiting the
32 amount of revenue transferred from exceeding a certain
33 amount; providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Paragraph (b) of subsection (2) of section
38 210.20, Florida Statutes, is amended to read:

39 210.20 Employees and assistants; distribution of funds.—

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

44 (b)1. Beginning January 1, 1999, and continuing for 10
45 years thereafter, the division shall from month to month certify
46 to the Chief Financial Officer the amount derived from the
47 cigarette tax imposed by s. 210.02, less the service charges
48 provided for in s. 215.20 and less 0.9 percent of the amount
49 derived from the cigarette tax imposed by s. 210.02, which shall
50 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
51 specifying an amount equal to 2.59 percent of the net
52 collections, and that amount shall be paid to the Board of
53 Directors of the H. Lee Moffitt Cancer Center and Research
54 Institute, established under s. 1004.43, by warrant drawn by the
55 Chief Financial Officer upon the State Treasury. These funds are
56 hereby appropriated monthly out of the Cigarette Tax Collection
57 Trust Fund, to be used for the purpose of constructing,
58 furnishing, and equipping a cancer research facility at the

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59 University of South Florida adjacent to the H. Lee Moffitt
60 Cancer Center and Research Institute. In fiscal years 1999-2000
61 and thereafter with the exception of fiscal year 2008-2009, the
62 appropriation to the H. Lee Moffitt Cancer Center and Research
63 Institute authorized by this subparagraph shall not be less than
64 the amount that would have been paid to the H. Lee Moffitt
65 Cancer Center and Research Institute for fiscal year 1998-1999
66 had payments been made for the entire fiscal year rather than
67 for a 6-month period thereof.

68 2. Beginning July 1, 2002, and continuing through June 30,
69 2004, the division shall, in addition to the distribution
70 authorized in subparagraph 1., from month to month certify to
71 the Chief Financial Officer the amount derived from the
72 cigarette tax imposed by s. 210.02, less the service charges
73 provided for in s. 215.20 and less 0.9 percent of the amount
74 derived from the cigarette tax imposed by s. 210.02, which shall
75 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
76 specifying an amount equal to 0.2632 percent of the net
77 collections, and that amount shall be paid to the Board of
78 Directors of the H. Lee Moffitt Cancer Center and Research
79 Institute, established under s. 1004.43, by warrant drawn by the
80 Chief Financial Officer. Beginning July 1, 2004, and continuing
81 through June 30, 2020 ~~2016~~, the division shall, in addition to
82 the distribution authorized in subparagraph 1., from month to
83 month certify to the Chief Financial Officer the amount derived
84 from the cigarette tax imposed by s. 210.02, less the service
85 charges provided for in s. 215.20 and less 0.9 percent of the
86 amount derived from the cigarette tax imposed by s. 210.02,
87 which shall be deposited into the Alcoholic Beverage and Tobacco

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88 Trust Fund, specifying an amount equal to 1.47 percent of the
89 net collections, and that amount shall be paid to the Board of
90 Directors of the H. Lee Moffitt Cancer Center and Research
91 Institute, established under s. 1004.43, by warrant drawn by the
92 Chief Financial Officer. These funds are appropriated monthly
93 out of the Cigarette Tax Collection Trust Fund, to be used for
94 the purpose of constructing, furnishing, and equipping a cancer
95 research facility at the University of South Florida adjacent to
96 the H. Lee Moffitt Cancer Center and Research Institute. In
97 fiscal years 2004-2005 and thereafter, the appropriation to the
98 H. Lee Moffitt Cancer Center and Research Institute authorized
99 by this subparagraph shall not be less than the amount that
100 would have been paid to the H. Lee Moffitt Cancer Center and
101 Research Institute in fiscal year 2001-2002, had this
102 subparagraph been in effect.

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

106 215.5602 James and Esther King Biomedical Research
107 Program.—

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

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117 (a) Beginning in the 2009-2010 fiscal year and thereafter,
118 5 percent of the revenue deposited into the Health Care Trust
119 Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved
120 for research of tobacco-related or cancer-related illnesses;
121 however, the sum of the revenue reserved pursuant to ss.
122 210.011(9) and 210.276(7) may not exceed \$50 million in any
123 fiscal year.

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

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

132 381.84 Comprehensive Statewide Tobacco Education and Use
133 Prevention Program.—

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

143 (i) *AHEC smoking-cessation initiative.*—For the 2009-2010
144 ~~2007-2008 and 2008-2009~~ fiscal year ~~years only~~, the AHEC network
145 shall expand the AHEC smoking-cessation initiative to each

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146 county within the state and perform other activities as
147 determined by the department.

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

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

170 381.922 William G. "Bill" Bankhead, Jr., and David Coley
171 Cancer Research Program.—

172 (5) Funds appropriated for the ~~2008-2009~~ fiscal year and
173 ~~each fiscal year thereafter, the sum of \$6.75 million is~~
174 ~~appropriated annually from recurring funds in the General~~

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175 ~~Revenue Fund to the Biomedical Research Trust Fund within the~~
176 ~~Department of Health for purposes of the William G. "Bill"~~
177 ~~Bankhead, Jr., and David Coley Cancer Research Program and shall~~
178 ~~be distributed pursuant to this section to provide grants to~~
179 ~~researchers seeking cures for cancer and cancer-related~~
180 ~~illnesses, with emphasis given to the goals enumerated in s.~~
181 ~~381.921. From the total funds appropriated, an amount of up to~~
182 ~~10 percent may be used for administrative expenses. In the 2009-~~
183 ~~2010 fiscal year, 2.5 percent, not to exceed \$25 million, of the~~
184 ~~revenue deposited into the Health Care Trust Fund pursuant to s.~~
185 ~~215.5602(12) (a) shall be transferred to the Biomedical Research~~
186 ~~Trust Fund within the Department of Health for the William G.~~
187 ~~"Bill" Bankhead, Jr., and David Coley Cancer Research Program.~~

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