

1                                   A bill to be entitled  
2       An act relating to health care; providing legislative  
3       findings; amending s. 210.01, F.S.; revising and providing  
4       definitions applicable to pt. I, ch. 210, F.S., relating  
5       to tax on cigarettes; amending s. 210.02, F.S.; increasing  
6       the cigarette tax rate; amending s. 210.18, F.S.;  
7       correcting a cross-reference; amending s. 210.20, F.S.;  
8       providing definitions; requiring the Division of Alcoholic  
9       Beverages and Tobacco of the Department of Business and  
10      Professional Regulation to certify to the Chief Financial  
11      Officer the amount of net collections derived from the  
12      cigarette tax on a monthly basis; requiring the division  
13      to credit specific percentages of the total base  
14      allocation to certain trust funds and entities; deleting  
15      obsolete and current allocation provisions; amending s.  
16      210.201, F.S.; requiring the Board of Directors of the H.  
17      Lee Moffitt Cancer Center and Research Institute to use  
18      certain funds to secure bonds or financial products for  
19      cancer research, treatment, and related facilities;  
20      amending s. 210.25, F.S.; correcting a cross-reference;  
21      amending s. 215.5601, F.S.; revising legislative intent;  
22      directing certain moneys to be deposited into the Lawton  
23      Chiles Endowment Fund from certain sources; deleting a  
24      provision authorizing a reduction in certain allocations  
25      to the fund; requiring a minimum fund reserve; conforming  
26      a cross-reference; providing for additional members of the  
27      Lawton Chiles Endowment Fund Advisory Council; amending s.  
28      215.5602, F.S.; requiring the James and Esther King

29 Biomedical Research Program to appropriate a certain  
30 percent of the program's annual funding to expand research  
31 conducted on tobacco-related illnesses; increasing the  
32 amount of funds allocated to the Florida Center for  
33 Universal Research to Eradicate Disease; extending certain  
34 expiration dates; amending s. 381.855, F.S.; making an  
35 annual operational funding allocation to the Florida  
36 Center for Universal Research to Eradicate Disease from  
37 the James and Esther King Biomedical Research Program's  
38 cigarette tax allocation; revising membership of an  
39 advisory council; amending s. 381.922, F.S.; revising the  
40 purpose of the William G. "Bill" Bankhead, Jr., and David  
41 Coley Cancer Research Program to expand cancer research  
42 and treatment; specifying certain goals; requiring the  
43 program to provide grants for the recruitment of cancer  
44 researchers and institutions, operational start-up grants  
45 for newly recruited researchers, and for fixed capital  
46 outlay; requiring certain proceeds to be used for certain  
47 purposes; extending certain expiration dates; creating s.  
48 393.55, F.S.; requiring the Agency for Persons with  
49 Disabilities to apply certain revenues to fund certain  
50 caseload growth; amending s. 395.6061, F.S.; designating  
51 rural hospitals for certain cigarette tax revenues for  
52 capital improvement projects; creating s. 400.997, F.S.;  
53 providing legislative findings; requiring the Agency for  
54 Health Care Administration to establish additional  
55 programs under the Primary Care Access Network; specifying  
56 use of funds to operate network clinics under certain

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57 | circumstances; requiring the agency to submit an annual  
58 | report to the Governor and Legislature relating to the  
59 | network; requiring the agency to adopt rules; creating s.  
60 | 400.998, F.S.; requiring the Agency for Health Care  
61 | Administration to distribute certain cigarette tax  
62 | proceeds to certain health centers and clinics for certain  
63 | purposes; providing legislative intent; specifying  
64 | criteria for agency selections of centers and clinics;  
65 | requiring the agency to establish an application  
66 | submission and evaluation process; providing for creation  
67 | of a review panel; requiring the review panel to consider  
68 | specified criteria; requiring funding recipients to  
69 | provide project reports; authorizing the agency to  
70 | contract with a specified entity to administer the program  
71 | and provide assistance; requiring the agency to adopt  
72 | rules; amending s. 951.22, F.S.; correcting cross-  
73 | references; providing that cigarettes in inventory as of  
74 | the effective date of the act are subject to the increase  
75 | in taxes imposed by the act pursuant to s. 210.02, F.S.;  
76 | repealing s. 381.92, F.S., relating to Florida Cancer  
77 | Council; repealing s. 381.921, F.S., relating to the  
78 | missions and duties of the Florida Cancer Council;  
79 | providing effective dates.

80 |  
81 | Be It Enacted by the Legislature of the State of Florida:

82 |  
83 | Section 1. The Legislature finds that tobacco consumption,  
84 | which causes nearly one-third of all cancer deaths and

85 contributes substantially to Florida's second-highest relative  
 86 cancer burden in the nation, dramatically impacts the state's  
 87 Medicaid budget and that a substantial deficit has been created  
 88 between what consumers pay in related excise or privilege fees  
 89 and what the state actually incurs in health care costs. The  
 90 Legislature further finds that the imposition of a tax on  
 91 cigarettes should be at least commensurate with the projected  
 92 governmental costs associated with the consumption of  
 93 cigarettes. The Legislature further finds that revenues derived  
 94 from such taxes should apply to health care, with an emphasis  
 95 given to measures for which there is a connection between  
 96 cigarette consumption and the tax revenue generated from the  
 97 consumption of cigarettes. Moreover, the Legislature finds that  
 98 the state is falling woefully behind the needed capacity to deal  
 99 with Florida's inordinately high burden related to cancer, as  
 100 well as other diseases, and that dramatic enhancement of the  
 101 state's core medical capacity, including primary care and  
 102 research, mental health and substance abuse, and persons with  
 103 disabilities, will significantly improve the ability to serve  
 104 the health care needs of all residents of this state.

105 Section 2. Section 210.01, Florida Statutes, is amended to  
 106 read:

107 210.01 Definitions.--As when used in this part, the term  
 108 ~~the following words shall have the meaning herein indicated:~~

109 (1) "Agency" means the Agency for Health Care  
 110 Administration.

111 (2) ~~(9)~~ "Agent" means any person authorized by the Division  
 112 of Alcoholic Beverages and Tobacco to purchase and affix

113 adhesive or meter stamps under this part.

114 (3)~~(1)~~ "Cigarette" means any roll for smoking, except one  
 115 of which the tobacco is fully naturally fermented, without  
 116 regard to the kind of tobacco or other substances used in the  
 117 inner roll or the nature or composition of the material in which  
 118 the roll is wrapped, which is made wholly or in part of tobacco  
 119 irrespective of size or shape and whether such tobacco is  
 120 flavored, adulterated, or mixed with any other ingredient.

121 (4) "Cigarette tax" means the tax imposed by s. 210.02.

122 (5) "Council" means the Biomedical Research Advisory  
 123 Council within the Department of Health established in s.  
 124 215.5602.

125 (6)~~(22)~~ "Counterfeit cigarettes" means cigarettes that  
 126 have false manufacturing labels, tobacco product packs with  
 127 counterfeit tax stamps, or any combination thereof.

128 (7)~~(5)~~ "Dealer" means any wholesale dealer ~~as hereinafter~~  
 129 ~~defined.~~

130 (8)~~(14)~~ "Distributing agent" means every person, firm, or  
 131 corporation in this state who acts as an agent for any person,  
 132 firm, or corporation outside or inside the state by receiving  
 133 cigarettes in interstate or intrastate commerce and storing such  
 134 cigarettes subject to distribution or delivery upon order from  
 135 said principal to wholesale dealers and other distributing  
 136 agents inside or outside this state.

137 (9)~~(10)~~ "Division" means the Division of Alcoholic  
 138 Beverages and Tobacco of the Department of Business and  
 139 Professional Regulation.

140 (10)~~(17)~~ "Exporter" means a person who transports tax-

141 exempt cigarettes into this state under bond for delivery beyond  
 142 the borders of this state. Each permit entitles ~~shall entitle~~  
 143 the permittee to store such cigarettes under bond at one  
 144 location in this state pending shipment beyond the borders of  
 145 this state.

146 (11) ~~(12)~~ "First sale" means the first use or consumption  
 147 of cigarettes within this state.

148 (12) ~~(20)~~ "Importer" means any person with a valid permit  
 149 under 26 U.S.C. s. 5712 who imports into the United States,  
 150 directly or indirectly, a finished cigarette for sale or  
 151 distribution.

152 (13) ~~(21)~~ "Manufacturer" means any domestic person or  
 153 entity with a valid permit under 26 U.S.C. s. 5712 that  
 154 manufactures, fabricates, assembles, processes, or labels a  
 155 finished cigarette.

156 (14) ~~(16)~~ "Manufacturer's representative" means a person  
 157 who represents a manufacturer of cigarettes but who has no place  
 158 of business in this state where cigarettes are stored. A  
 159 manufacturer's representative shall ~~is required to~~ obtain any  
 160 cigarettes required by her or him through a wholesale dealer in  
 161 this state and ~~to~~ make such reports as may be required by the  
 162 Division of Alcoholic Beverages and Tobacco of the Department of  
 163 Business and Professional Regulation.

164 (15) "Net collections" means 99.5 percent of total  
 165 collections less the service charge prescribed in s. 215.20.

166 (16) ~~(13)~~ "Operating ad valorem millage" means all millages  
 167 other than those fixed for debt service.

168 (17) ~~(8)~~ "Package" means the individual package, box, or

169 other container in or from which retail sales of cigarettes are  
 170 normally made or intended to be made.

171 (18)~~(2)~~ "Persons" means any individual, copartnership,  
 172 society, club, association, corporation, joint stock company,  
 173 and any combination of individuals and also an executor,  
 174 administrator, receiver, trustee, or other fiduciary.

175 (19)~~(15)~~ "Place of business" means any place where  
 176 cigarettes are sold or where cigarettes are stored or kept for  
 177 the purpose of sale or consumption; or, if cigarettes are sold  
 178 from a vending machine, the place in which the vending machine  
 179 is located.

180 (20)~~(7)~~ "Retail dealer" means any person located inside or  
 181 outside this state other than a wholesale dealer engaged in the  
 182 business of selling cigarettes, including persons issued a  
 183 permit pursuant to s. 569.003.

184 (21)~~(4)~~ "Retail sale" or "sale at retail" means a sale to  
 185 a consumer or to any person for any purpose other than resale.

186 (22)~~(3)~~ "Sale" means any transfer, exchange, or barter in  
 187 any manner, or by any means whatever.

188 (23)~~(19)~~ "Stamp" or "stamps" means the indicia required to  
 189 be placed on cigarette packages that evidence payment of the tax  
 190 on cigarettes under s. 210.02.

191 (24) "Total collections" means the total amount  
 192 derived from the cigarette tax during a specified period.

193 (25)~~(18)~~ "Unstamped package" or "unstamped cigarettes"  
 194 means a package on which the tax required by this part has not  
 195 been paid, regardless of whether or not such package is stamped  
 196 or marked with the indicia of any other taxing authority, or a

197 package on which there has been affixed a counterfeit or  
 198 fraudulent indicium or stamp.

199 (26)~~(11)~~ "Use" means the consuming, giving away, or  
 200 disposing, in any manner, of cigarettes.

201 (27)~~(6)~~ "Wholesale dealer" means any person located inside  
 202 or outside this state who sells cigarettes to retail dealers or  
 203 other persons for purposes of resale only. Such term does ~~shall~~  
 204 not include any cigarette manufacturer, export warehouse  
 205 proprietor, or importer with a valid permit under 26 U.S.C. s.  
 206 5712 if such person sells or distributes cigarettes in this  
 207 state only to dealers who are agents and who hold valid and  
 208 current permits under s. 210.15 or to any cigarette  
 209 manufacturer, export warehouse proprietor, or importer who holds  
 210 a valid and current permit under 26 U.S.C. s. 5712.

211 Section 3. Section 210.02, Florida Statutes, is amended to  
 212 read:

213 210.02 Cigarette tax imposed; collection.--

214 (1) An excise or privilege tax, in addition to all other  
 215 taxes of every kind imposed by law, is imposed upon the sale,  
 216 receipt, purchase, possession, consumption, handling,  
 217 distribution, and use of cigarettes in this state, in the  
 218 following amounts, except as ~~hereinafter~~ otherwise provided, for  
 219 cigarettes of standard dimensions:

220 (a) Upon all cigarettes weighing not more than 3 pounds  
 221 per thousand, 49.5 ~~16.95~~ mills on each cigarette.

222 (b) Upon all cigarettes weighing more than 3 pounds per  
 223 thousand and not more than 6 inches long, 99 ~~33.9~~ mills on each  
 224 cigarette.



225 (c) Upon all cigarettes weighing more than 3 pounds per  
 226 thousand and more than 6 inches long, 198 ~~67.8~~ mills on each  
 227 cigarette.

228 (2) The descriptions ~~description~~ of cigarettes contained  
 229 in paragraphs (1) (a), (b), and (c) ~~of subsection (1)~~ are hereby  
 230 declared to be standard as to dimensions for taxing purposes as  
 231 provided in this section, ~~law~~ and if ~~should~~ any cigarette is ~~be~~  
 232 received, purchased, possessed, sold, offered for sale, given  
 233 away, or used of a size other than of standard dimensions, the  
 234 same shall be assessed ~~taxed~~ at the rate of 4.12 ~~1.41~~ cents on  
 235 each such cigarette.

236 (3) When cigarettes as described in paragraph (1) (a) are  
 237 packed in varying quantities of 20 cigarettes or fewer ~~less~~,  
 238 except manufacturer's free samples authorized under s.  
 239 210.04(9), the following rate shall govern:

240 (a) Packages containing 10 cigarettes or fewer ~~less~~  
 241 require a 49.5-cent ~~16.95-cent~~ tax.

242 (b) Packages containing more than 10 but not more than 20  
 243 cigarettes require a 99-cent ~~33.9-cent~~ tax.

244 (4) When cigarettes as described in paragraph (1) (b) are  
 245 packed in varying quantities of 20 cigarettes or fewer ~~less~~,  
 246 except manufacturer's free samples authorized under s.  
 247 210.04(9), the following rates shall govern:

248 (a) Packages containing 10 cigarettes or fewer ~~less~~  
 249 require a 99-cent ~~33.9-cent~~ tax.

250 (b) Packages containing more than 10 but not more than 20  
 251 cigarettes require a 198-cent ~~67.8-cent~~ tax.

252 (5) When cigarettes as described in paragraph (1) (c) are

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253 | packed in varying quantities of 20 cigarettes or fewer ~~less~~,  
 254 | except manufacturer's free samples authorized under s.  
 255 | 210.04(9), the following rates shall govern:

256 |       (a) Packages containing 10 cigarettes or fewer ~~less~~  
 257 | require a 198-cent ~~67.8-cent~~ tax.

258 |       (b) Packages containing more than 10 but not more than 20  
 259 | cigarettes require a 396-cent ~~135.6-cent~~ tax.

260 |       (6) This tax shall be paid by the dealer to the division  
 261 | for deposit and distribution as hereinafter provided upon the  
 262 | first sale or transaction within the state, whether or not such  
 263 | sale or transfer is ~~be~~ to the ultimate purchaser or consumer.  
 264 | The seller or dealer shall collect the tax from the purchaser or  
 265 | consumer, and the purchaser or consumer shall pay the tax to the  
 266 | seller. The seller or dealer is ~~shall be~~ responsible for the  
 267 | collection of the tax and the payment of the same to the  
 268 | division. All taxes are due not later than the 10th day of the  
 269 | month following the calendar month in which they were incurred,  
 270 | and thereafter must ~~shall~~ bear interest at the rate of 1 percent  
 271 | per month. If the amount of tax due for a given period is  
 272 | assessed without allocating it to any particular month, the  
 273 | interest begins ~~shall begin~~ with the date of the assessment.  
 274 | Whenever cigarettes are shipped from outside the state to anyone  
 275 | other than a distributing agent or wholesale dealer, the person  
 276 | receiving the cigarettes is ~~shall be~~ responsible for the tax on  
 277 | said cigarettes and the payment of same to the division.  
 278 |       (7) It is the legislative intent that the tax on  
 279 | cigarettes shall be uniform throughout the state.

280 Section 4. Subsection (10) of section 210.18, Florida  
 281 Statutes, is amended to read:

282 210.18 Penalties for tax evasion; reports by sheriffs.--

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

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

291 1. If the quantity of counterfeit cigarettes sold or  
 292 possessed with the intent to sell is less than two cartons or  
 293 the equivalent, the fine for a first violation shall not exceed  
 294 \$1,000 or five times the retail value of the counterfeit  
 295 cigarettes, whichever is greater. A subsequent violation may  
 296 result in the imposition of a fine not to exceed \$5,000 or five  
 297 times the retail value of the counterfeit cigarettes, whichever  
 298 is greater, and shall result in revocation of the retail permit  
 299 by the division.

300 2. If the quantity of counterfeit cigarettes sold or  
 301 possessed with the intent to sell is two cartons or more or the  
 302 equivalent, the fine for a first violation shall not exceed  
 303 \$2,000 or five times the retail value of the counterfeit  
 304 cigarettes, whichever is greater. A subsequent violation may  
 305 result in the imposition of a fine not to exceed \$50,000 or five  
 306 times the retail value of the counterfeit cigarettes, whichever

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307 is greater, and shall result in revocation of the retail permit  
308 by the division.

309 (b) A person who holds a permit, other than a retail  
310 permit, under the provisions of this chapter and who violates  
311 this subsection commits a felony of the third degree, punishable  
312 as provided in s. 775.082, s. 775.083, or s. 775.084, and is  
313 subject to the imposition of fines and additional penalties as  
314 follows:

315 1. If the quantity of counterfeit cigarettes sold or  
316 possessed with the intent to sell is less than 10 cartons or the  
317 equivalent, the fine for a first violation shall not exceed  
318 \$1,000 or five times the retail value of the counterfeit  
319 cigarettes, whichever is greater. A subsequent violation may  
320 result in the imposition of a fine not to exceed \$5,000 or five  
321 times the retail value of the counterfeit cigarettes, whichever  
322 is greater, and shall result in revocation of the permit by the  
323 division.

324 2. If the quantity of counterfeit cigarettes sold or  
325 possessed with the intent to sell is 10 cartons or more or the  
326 equivalent, the fine for a first violation shall not exceed  
327 \$2,000 or five times the retail value of the counterfeit  
328 cigarettes, whichever is greater. A subsequent violation may  
329 result in the imposition of a fine not to exceed \$50,000 or five  
330 times the retail value of the counterfeit cigarettes, whichever  
331 is greater, and shall result in revocation of the permit by the  
332 division.

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

336 Section 5. Section 210.20, Florida Statutes, is amended to  
 337 read:

338 210.20 Employees and assistants; distribution of funds.--

339 (1) The division under the applicable rules of the  
 340 Department of Management Services shall have the power to employ  
 341 such employees and assistants and incur such other expenses as  
 342 may be necessary for the administration of this part, within the  
 343 limits of an appropriation for the operation of the Department  
 344 of Business and Professional Regulation as may be authorized by  
 345 the General Appropriations Act.

346 (2) (a) As collections are received by the division from  
 347 the tax on cigarettes ~~such cigarette taxes~~, it shall pay the  
 348 same into a trust fund in the State Treasury designated  
 349 "Cigarette Tax Collection Trust Fund." ~~which shall be paid and~~  
 350 ~~distributed as follows:~~

351 (b) (a) The division shall from month to month certify to  
 352 the Chief Financial Officer the amount of net collections  
 353 derived from the cigarette tax imposed by s. 210.02, ~~less the~~  
 354 ~~service charges provided for in s. 215.20 and less 0.9 percent~~  
 355 ~~of the amount derived from the cigarette tax imposed by s.~~  
 356 ~~210.02, which shall be deposited into the Alcoholic Beverage and~~  
 357 ~~Tobacco Trust Fund,~~ specifying the amounts to be transferred  
 358 from the Cigarette Tax Collection Trust Fund and credited on the  
 359 following bases; however, the division shall first deposit  
 360 monthly into the Alcoholic Beverage and Tobacco Trust Fund an  
 361 amount equal to the sum of 0.5 percent of total collections and

362 the service charge on total collection provided for in s. 215.20  
 363 as follows:

364 1. The sum ~~basis~~ of 1.3919 ~~2.9~~ percent of the total base  
 365 allocation ~~net collections~~ to the Revenue Sharing Trust Fund for  
 366 Counties ~~for distribution pursuant to the Florida Revenue~~  
 367 Sharing Act.

368 2. The sum of 14.3215 ~~and 29.3~~ percent of the total base  
 369 allocation to the Public Medical Assistance Trust Fund ~~net~~  
 370 ~~collections~~ for the funding of indigent health care pursuant to  
 371 ~~s. 409.918 to the Public Medical Assistance Trust Fund.~~

372 3. The sum of 1.8973 percent of the total base allocation  
 373 to the H. Lee Moffitt Cancer Center and Research Institute  
 374 established in s. 1004.43, which shall be paid on a monthly  
 375 basis to the center's board of directors by warrant drawn by the  
 376 Chief Financial Officer upon the State Treasury. The revenues  
 377 derived from this allocation are separate and distinct from any  
 378 funds allocated to the H. Lee Moffitt Cancer Center through the  
 379 James and Esther King Biomedical Research Program or the  
 380 Bankhead-Coley Cancer Research Program. Funds derived pursuant  
 381 this subparagraph shall be used for the purpose of constructing,  
 382 furnishing, and equipping research, treatment, and related  
 383 facilities. The appropriation to the H. Lee Moffitt Cancer  
 384 Center and Research Institute authorized by this subparagraph  
 385 may not be less than the amount that would have been paid to the  
 386 H. Lee Moffitt and Cancer Research Institute for the 2007-2008  
 387 fiscal year had this subparagraph been in effect.

388 4. The sum of 0.9331 percent of the total base allocation  
 389 to the Shands at the University of Florida Cancer Hospital. The

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390 revenues derived from this allocation are separate and distinct  
391 from any funds allocated to the Shands at the University of  
392 Florida Cancer Hospital through the James and Esther King  
393 Biomedical Research Program or the Bankhead-Coley Cancer  
394 Research Program. Funds derived pursuant this subparagraph shall  
395 be used for the purposes of constructing, furnishing, and  
396 equipping research, treatment, and related facilities, and may  
397 include the recruitment and retention of faculty or other  
398 personnel related to research programs.

399 5. The sum of 0.9331 percent of the total base allocation  
400 to the Sylvester Comprehensive Cancer Center at the University  
401 of Miami Miller School of Medicine. The revenues derived from  
402 this allocation are separate and distinct from any funds  
403 allocated to the Sylvester Comprehensive Cancer Center at the  
404 University of Miami Miller School of Medicine through the James  
405 and Esther King Biomedical Research Program or the Bankhead-  
406 Coley Cancer Research Program. Funds derived pursuant this  
407 subparagraph shall be used for the purposes of constructing,  
408 furnishing, and equipping research, treatment, and related  
409 facilities and may include the recruitment and retention of  
410 faculty or other personnel related to research programs.

411 6. The sum of 5.9716 percent of the total base allocation  
412 to the Biomedical Research Trust Fund for distribution by the  
413 Biomedical Research Advisory Council to grantees of the James  
414 and Esther King Biomedical Research Program authorized pursuant  
415 to s. 215.5602 and the Bankhead-Coley Cancer Research Program  
416 authorized pursuant to s. 381.922, with such programs dividing  
417 equally the allocation derived from this subparagraph. The

418 provisions of ss. 215.5602 and 381.922 shall determine the  
419 methods of distribution under the respective programs.

420 7. The sum of 3.7323 percent of the total base allocation  
421 to the Lawton Chiles Endowment Fund.

422 8. The sum of 0.5598 percent of the total base allocation  
423 for the enhancement of rural hospital facilities as prescribed  
424 in s. 395.6061.

425 9. The sum of 12.4409 percent of the total base allocation  
426 to the Agency for Persons With Disabilities for the purposes  
427 prescribed in chapter 393. Such revenues shall be used to fund  
428 additional caseload over that which existed during fiscal year  
429 2008-2009.

430 10. The sum of 0.1866 percent of the total base allocation  
431 to the Miami Project to Cure Paralysis for the purposes of  
432 conducting research.

433 11. The sum of 0.3732 percent of the total base allocation  
434 to the Diabetes Research Institute for the purposes of  
435 conducting research.

436 12. The sum of 8.0866 percent of the total base allocation  
437 to the Agency for Health Care Administration for distribution to  
438 federally qualified health centers, county health department  
439 clinics, and free clinics, for the purposes enumerated in s.  
440 400.998.

441 13. The sum of 0.3732 percent of the total base allocation  
442 to the Grants and Donations Trust Fund of the Department of  
443 Children and Family Services for purposes of making grants to  
444 centers treating child victims of sexual abuse.

445 14. The sum of 1.7417 percent of the total base allocation



446 to the Grants and Donations Trust Fund of the Department of  
 447 Children and Family Services for purposes of making grants to  
 448 community mental health agencies under the Department of  
 449 Children and Family Services.

450 15. The sum of 0.3732 percent of the total base allocation  
 451 to the Agency for Health Care Administration for the operation  
 452 of primary care access networks, as prescribed in s. 400.997.

453 16. The sum of 0.3732 percent of the total base allocation  
 454 to La Liga Contra el Cancer for the purposes of providing direct  
 455 services to patients with cancer.

456 ~~(b)1. Beginning January 1, 1999, and continuing for 10~~  
 457 ~~years thereafter, the division shall from month to month certify~~  
 458 ~~to the Chief Financial Officer the amount derived from the~~  
 459 ~~cigarette tax imposed by s. 210.02, less the service charges~~  
 460 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~  
 461 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~  
 462 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~  
 463 ~~specifying an amount equal to 2.59 percent of the net~~  
 464 ~~collections, and that amount shall be paid to the Board of~~  
 465 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~  
 466 ~~Institute, established under s. 1004.43, by warrant drawn by the~~  
 467 ~~Chief Financial Officer upon the State Treasury. These funds are~~  
 468 ~~hereby appropriated monthly out of the Cigarette Tax Collection~~  
 469 ~~Trust Fund, to be used for the purpose of constructing,~~  
 470 ~~furnishing, and equipping a cancer research facility at the~~  
 471 ~~University of South Florida adjacent to the H. Lee Moffitt~~  
 472 ~~Cancer Center and Research Institute. In fiscal years 1999-2000~~  
 473 ~~and thereafter with the exception of fiscal year 2008-2009, the~~

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474 ~~appropriation to the H. Lee Moffitt Cancer Center and Research~~  
475 ~~Institute authorized by this subparagraph shall not be less than~~  
476 ~~the amount that would have been paid to the H. Lee Moffitt~~  
477 ~~Cancer Center and Research Institute for fiscal year 1998-1999~~  
478 ~~had payments been made for the entire fiscal year rather than~~  
479 ~~for a 6-month period thereof.~~

480 ~~2. Beginning July 1, 2002, and continuing through June 30,~~  
481 ~~2004, the division shall, in addition to the distribution~~  
482 ~~authorized in subparagraph 1., from month to month certify to~~  
483 ~~the Chief Financial Officer the amount derived from the~~  
484 ~~cigarette tax imposed by s. 210.02, less the service charges~~  
485 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~  
486 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~  
487 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~  
488 ~~specifying an amount equal to 0.2632 percent of the net~~  
489 ~~collections, and that amount shall be paid to the Board of~~  
490 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~  
491 ~~Institute, established under s. 1004.43, by warrant drawn by the~~  
492 ~~Chief Financial Officer. Beginning July 1, 2004, and continuing~~  
493 ~~through June 30, 2016, the division shall, in addition to the~~  
494 ~~distribution authorized in subparagraph 1., from month to month~~  
495 ~~certify to the Chief Financial Officer the amount derived from~~  
496 ~~the cigarette tax imposed by s. 210.02, less the service charges~~  
497 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~  
498 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~  
499 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~  
500 ~~specifying an amount equal to 1.47 percent of the net~~  
501 ~~collections, and that amount shall be paid to the Board of~~

502 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~  
 503 ~~Institute, established under s. 1004.43, by warrant drawn by the~~  
 504 ~~Chief Financial Officer. These funds are appropriated monthly~~  
 505 ~~out of the Cigarette Tax Collection Trust Fund, to be used for~~  
 506 ~~the purpose of constructing, furnishing, and equipping a cancer~~  
 507 ~~research facility at the University of South Florida adjacent to~~  
 508 ~~the H. Lee Moffitt Cancer Center and Research Institute. In~~  
 509 ~~fiscal years 2004-2005 and thereafter, the appropriation to the~~  
 510 ~~H. Lee Moffitt Cancer Center and Research Institute authorized~~  
 511 ~~by this subparagraph shall not be less than the amount that~~  
 512 ~~would have been paid to the H. Lee Moffitt Cancer Center and~~  
 513 ~~Research Institute in fiscal year 2001-2002, had this~~  
 514 ~~subparagraph been in effect.~~

515 (3) After all distributions hereinabove provided for have  
 516 been made, the balance of the revenue produced from the tax  
 517 imposed by this part shall be deposited in the General Revenue  
 518 Fund.

519 Section 6. Section 210.201, Florida Statutes, is amended  
 520 to read:

521 210.201 Cancer facilities ~~research facility at the~~  
 522 ~~University of South Florida; establishment; funding.--The Board~~  
 523 ~~of Directors of the H. Lee Moffitt Cancer Center and Research~~  
 524 ~~Institute shall construct, furnish, and equip, and shall~~  
 525 ~~covenant to complete, the cancer research facility at the~~  
 526 ~~University of South Florida adjacent to the H. Lee Moffitt~~  
 527 ~~Cancer Center and Research Institute. Moneys transferred to the~~  
 528 ~~Board of Directors of the H. Lee Moffitt Cancer Center and~~  
 529 ~~Research Institute pursuant to s. 210.20 shall be used to secure~~

530 ~~financing~~ to pay or secure bonds or financial products issued or  
 531 incurred in connection with the financing of costs related to  
 532 constructing, furnishing, and equipping ~~the~~ cancer research,  
 533 treatment, and related facilities ~~facility~~. Such financing may  
 534 include the issuance of tax-exempt bonds or other forms of  
 535 indebtedness by a local authority, municipality, or county  
 536 pursuant to parts II and III of chapter 159. Such bonds shall  
 537 not constitute state bonds for purposes of s. 11, Art. VII of  
 538 the State Constitution, but shall constitute bonds of a "local  
 539 agency," as defined in s. 159.27(4). The cigarette tax dollars  
 540 pledged to the facilities ~~this facility~~ pursuant to s. 210.20  
 541 may be replaced annually by the Legislature from tobacco  
 542 litigation settlement proceeds.

543 Section 7. Subsection (11) of section 210.25, Florida  
 544 Statutes, is amended to read:

545 210.25 Definitions.--As used in this part:

546 (11) "Tobacco products" means loose tobacco suitable for  
 547 smoking; snuff; snuff flour; cavendish; plug and twist tobacco;  
 548 fine cuts and other chewing tobaccos; shorts; refuse scraps;  
 549 clippings, cuttings, and sweepings of tobacco, and other kinds  
 550 and forms of tobacco prepared in such manner as to be suitable  
 551 for chewing; but "tobacco products" does not include cigarettes,  
 552 as defined in ~~by~~ s. 210.01~~(1)~~, or cigars.

553 Section 8. Paragraph (d) of subsection (1), paragraphs  
 554 (b), (c), and (d) of subsection (3), paragraph (b) of subsection  
 555 (4), and paragraph (a) of subsection (6) of section 215.5601,  
 556 Florida Statutes, as amended by section 49 of chapter 2008-153,  
 557 Laws of Florida, are amended to read:

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558 | 215.5601 Lawton Chiles Endowment Fund.--

559 | (1) LEGISLATIVE INTENT.--It is the intent of the  
560 | Legislature to:

561 | (d) Provide funds to help support public-health and  
562 | biomedical research for the prevention, diagnosis, treatment,  
563 | and cure of diseases related to tobacco use by creating an  
564 | annual and perpetual source of funding for biomedical research  
565 | in the state in order to expand the foundation of biomedical  
566 | knowledge relating to the prevention, diagnosis, treatment, and  
567 | cure of diseases related to tobacco use, including cancer,  
568 | cardiovascular disease, stroke, and pulmonary disease; improve  
569 | the quality of the state's academic health centers by bringing  
570 | the advances of biomedical research into the training of  
571 | physicians and other health care providers; and increase the  
572 | state's per capita funding for biomedical research by  
573 | undertaking new initiatives in biomedical research which will  
574 | attract additional researchers, as well as funding, from outside  
575 | the state while also stimulating economic activity in the state  
576 | in areas related to biomedical research, such as the research  
577 | and production of pharmaceuticals, biotechnology, and medical  
578 | devices.

579 | (3) LAWTON CHILES ENDOWMENT FUND; CREATION; PRINCIPAL.--

580 | (b) The endowment shall receive moneys from the sale of  
581 | the state's right, title, and interest in and to the tobacco  
582 | settlement agreement as defined in s. 215.56005, including the  
583 | right to receive payments under such agreement, and from  
584 | accounts transferred from the Department of Financial Services  
585 | Tobacco Settlement Clearing Trust Fund established under s.

586 17.41. Amounts to be transferred from the Department of  
 587 Financial Services Tobacco Settlement Clearing Trust Fund to the  
 588 endowment shall be in the following amounts for the following  
 589 fiscal years:

590 1. For fiscal year 1999-2000, \$1.1 billion.~~†~~

591 2. For fiscal year 2000-2001, \$200 million.~~†~~

592 3. For fiscal year 2001-2002, \$200 million.~~†~~

593 4. For fiscal year 2002-2003, \$200 million.~~†~~ ~~and~~

594 5. For fiscal year 2009-2010 and each fiscal year  
 595 thereafter, moneys allocated to the Lawton Chiles Endowment Fund  
 596 from designated revenues generated by s. 210.20.

597 ~~(c) Amounts to be transferred under subparagraphs (b) 2.,~~  
 598 ~~3., and 4. may be reduced by an amount equal to the lesser of~~  
 599 ~~\$200 million or the amount the endowment receives in that fiscal~~  
 600 ~~year from the sale of the state's right, title, and interest in~~  
 601 ~~and to the tobacco settlement agreement.~~

602 (c)(d) The sum of For fiscal year 2001-2002, \$150 million  
 603 of the existing principal in the endowment shall be reserved and  
 604 accounted for within the endowment, the income from which shall  
 605 be used solely for the funding for biomedical research  
 606 activities as provided in s. 215.5602. The income from the  
 607 remaining principal shall be used solely as the source of  
 608 funding for health and human services programs for children and  
 609 elders as provided in subsection (5). The separate account for  
 610 biomedical research shall be dissolved and the entire principal  
 611 in the endowment shall be used exclusively for health and human  
 612 services programs when cures have been found for tobacco-related  
 613 cancer, heart, and lung disease.

614 (4) ADMINISTRATION.--

615 (b) The endowment shall be managed as an annuity. The  
 616 investment objective shall be long-term preservation of the real  
 617 value of the principal and a specified regular annual cash  
 618 outflow for appropriation, as nonrecurring revenue. From the  
 619 annual cash outflow, a pro rata share shall be used solely for  
 620 biomedical research activities as provided in paragraph  
 621 (3) (c) ~~(d)~~, until such time as cures are found for tobacco-  
 622 related cancer and heart and lung disease. Five percent of the  
 623 annual cash outflow dedicated to the biomedical research portion  
 624 of the endowment shall be reinvested and applied to that portion  
 625 of the endowment's principal, with the remainder to be spent on  
 626 biomedical research activities consistent with this section. The  
 627 schedule of annual cash outflow shall be included within the  
 628 investment plan adopted under paragraph (a).

629 (6) ADVISORY COUNCIL.--The Lawton Chiles Endowment Fund  
 630 Advisory Council is established for the purpose of reviewing the  
 631 funding priorities of the state agencies, evaluating their  
 632 requests against the mission and goals of the agencies and  
 633 legislative intent for the use of endowment funds, and allowing  
 634 for public input and advocacy.

635 (a) The advisory council shall consist of 17 ~~15~~ members,  
 636 including:

- 637 1. The director of the United Way of Florida, Inc., or his  
 638 or her designee;
- 639 2. The director of the Foster Parents Association, or his  
 640 or her designee;

- 641           3. The chair of the Department of Elderly Affairs Advisory  
 642 Council, or his or her designee;
- 643           4. The president of the Florida Association of Area  
 644 Agencies on Aging, or his or her designee;
- 645           5. The State Long-Term Care Ombudsman, or his or her  
 646 designee;
- 647           6. The state director of the Florida AARP, or his or her  
 648 designee;
- 649           7. The director of the Florida Pediatric Society, or his  
 650 or her designee;
- 651           8. A representative of the Guardian Ad Litem Program,  
 652 appointed by the Governor;
- 653           9. A representative of a child welfare lead agency for  
 654 community-based care, appointed by the Governor;
- 655           10. A representative of an elder care lead agency for  
 656 community-based care, appointed by the Governor;
- 657           11. A representative of a statewide child advocacy  
 658 organization, appointed by the Governor;
- 659           12. One consumer caregiver for children, appointed by the  
 660 Governor;
- 661           13. One person over the age of 60 years to represent the  
 662 interests of elders, appointed by the Governor;
- 663           14. One person under the age of 18 years to represent the  
 664 interests of children, appointed by the Governor; and
- 665           15. One consumer caregiver for a functionally impaired  
 666 elderly person, appointed by the Governor.



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667           16. One representative of a public health organization  
668 with a major interest in tobacco control, appointed by the  
669 Governor.

670           17. One consumer who is currently eligible for benefits  
671 under Title XIX of the Medicaid Program.

672           Section 9. Subsections (1), (2), (12), (13), (14), and  
673 (15) of section 215.5602, Florida Statutes, as amended by  
674 chapter 2009-5, Laws of Florida, are amended to read:

675           215.5602 James and Esther King Biomedical Research  
676 Program.--

677           (1) There is established within the Department of Health  
678 the James and Esther King Biomedical Research Program funded by  
679 the designated proceeds of s. 210.20, as well as any prescribed  
680 portion of the Lawton Chiles Endowment Fund pursuant to s.  
681 215.5601. The purpose of the James and Esther King Biomedical  
682 Research Program is to provide an annual and perpetual source of  
683 funding in order to support research initiatives that address  
684 the health care problems of Floridians in the areas of tobacco-  
685 related cancer, cardiovascular disease, stroke, and pulmonary  
686 disease. The long-term goals of the program are to:

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

690           (b) Expand the foundation of biomedical knowledge relating  
691 to the prevention, diagnosis, treatment, and cure of diseases  
692 related to tobacco use, including cancer, cardiovascular  
693 disease, stroke, and pulmonary disease.

694           (c) Improve the quality of the state's academic health

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695 centers by bringing the advances of biomedical research into the  
696 training of physicians and other health care providers.

697 (d) Increase the state's per capita funding for research  
698 by undertaking new initiatives in public health and biomedical  
699 research that will attract additional funding from outside the  
700 state.

701 (e) Stimulate economic activity in the state in areas  
702 related to biomedical research, such as the research and  
703 production of pharmaceuticals, biotechnology, and medical  
704 devices.

705 (f) Expand the research capacity and infrastructure needed  
706 to conduct research on tobacco-related illnesses, with the  
707 provision of fixed capital outlay project funding as determined  
708 by the Biomedical Research Advisory Council within the program's  
709 annual appropriation and up to 25 percent of the program's  
710 annual funding allocation applied for this purpose by the  
711 council, provided that grant recipients receiving fixed capital  
712 outlay must use matching funds of at least 50 percent of the  
713 award from the council.

714 (2) Funds appropriated for the James and Esther King  
715 Biomedical Research Program shall be used exclusively for the  
716 award of grants and fellowships as established in this section;  
717 for research relating to the prevention, diagnosis, treatment,  
718 and cure of diseases related to tobacco use, including cancer,  
719 cardiovascular disease, stroke, and pulmonary disease; for  
720 expenditures related to the expansion of tobacco-related  
721 research capacity and infrastructure within the state, including  
722 the provision of capital outlay costs to achieve such purpose;

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723 and for expenses incurred in the administration of this section.  
 724 Priority shall be granted to research designed to prevent or  
 725 cure disease.

726 (12) For ~~the 2008-2009~~ fiscal year 2009-2010 ~~and each~~  
 727 ~~fiscal year thereafter~~, the sum of \$4.5 million is appropriated  
 728 ~~annually~~ from recurring funds in the General Revenue Fund to the  
 729 Biomedical Research Trust Fund within the Department of Health  
 730 for purposes of the James and Esther King Biomedical Research  
 731 Program pursuant to this section. From these funds up to  
 732 \$750,000 ~~\$250,000~~ shall be available for the operating costs of  
 733 the Florida Center for Universal Research to Eradicate Disease.  
 734 Beginning in fiscal year 2010-2011, up to \$750,000 shall be  
 735 available for such operating costs from the annual allocation to  
 736 the James and Esther King Biomedical Research Program pursuant  
 737 to s. 210.20.

738 (13) By June 1, 2017 ~~2009~~, the Division of Statutory  
 739 Revision of the Office of Legislative Services shall certify to  
 740 the President of the Senate and the Speaker of the House of  
 741 Representatives the language and statutory citation of this  
 742 section, which is scheduled to expire January 1, 2018 ~~2011~~.

743 (14) The Legislature shall review the performance, the  
 744 outcomes, and the financial management of the James and Esther  
 745 King Biomedical Research Program during the 2017 ~~2010~~ Regular  
 746 Session of the Legislature and shall determine the most  
 747 appropriate funding source and means of funding the program  
 748 based on its review.

749 (15) This section expires January 1, 2018 ~~2011~~, unless  
 750 reviewed and reenacted by the Legislature before that date.

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751 Section 10. Subsections (5), (6), and (7) of section  
752 381.855, Florida Statutes, are renumbered as subsections (6),  
753 (7), and (8), respectively, a new subsection (5) is added to  
754 that section, and present subsection (6) of that section is  
755 amended, to read:

756 381.855 Florida Center for Universal Research to Eradicate  
757 Disease.--

758 (5) Beginning in fiscal year 2009-2010, the center shall  
759 receive for its operations an annual sum of up to \$750,000 from  
760 the allocation designated in s. 210.20 for the James and Esther  
761 King Biomedical Research Program created pursuant to s.  
762 215.5602.

763 ~~(6)-(5)~~ There is established within the center an advisory  
764 council that shall meet at least annually.

765 (a) The council shall consist of one representative from a  
766 Florida not-for-profit institution engaged in basic and clinical  
767 biomedical research and education which receives more than \$10  
768 million in annual grant funding from the National Institutes of  
769 Health, to be appointed by the State Surgeon General from a  
770 different institution each term, and one representative from and  
771 appointed by each of the following entities:

- 772 1. Enterprise Florida, Inc.
- 773 2. BioFlorida.
- 774 3. The Biomedical Research Advisory Council.
- 775 4. The Florida Medical Foundation.
- 776 5. Pharmaceutical Research and Manufacturers of America.
- 777 ~~6. The Florida Cancer Council.~~
- 778 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.

779 7.8. The American Heart Association, Greater Southeast  
 780 Affiliate.

781 8.9. The American Lung Association of Florida.

782 9.10. The American Diabetes Association, South Coastal  
 783 Region.

784 10.11. The Alzheimer's Association.

785 11.12. The Epilepsy Foundation.

786 12.13. The National Parkinson Foundation.

787 ~~14. The Florida Public Health Foundation, Inc.~~

788 13.15. The Florida Research Consortium.

789 14. La Liga Contra el Cancer.

790 (b) Members of the council shall serve without  
 791 compensation, and each organization represented shall cover all  
 792 expenses of its representative.

793 Section 11. Section 381.922, Florida Statutes, as amended  
 794 by chapter 2009-5, Laws of Florida, is amended to read:

795 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 796 Cancer Research Program.--

797 (1) The William G. "Bill" Bankhead, Jr., and David Coley  
 798 Cancer Research Program, which may be otherwise cited as the  
 799 "Bankhead-Coley Program," is created within the Department of  
 800 Health. The purposes ~~purpose~~ of the program shall be to advance  
 801 progress towards cures for cancer through grants awarded through  
 802 a peer-reviewed, competitive process and to expand cancer  
 803 research and treatment capacity in the state.

804 (2) The program shall provide grants for cancer research  
 805 to further the search for cures for cancer, for the recruitment  
 806 of cancer researchers and research teams to institutions within

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807 the state, for operational start-up grants for newly recruited  
808 cancer researchers and research teams, and for fixed capital  
809 outlay expenditures related to the expansion of cancer research  
810 and treatment capacity in the state, with up to 25 percent of  
811 the program's annual allocation applied to these purposes,  
812 provided that grantees receiving moneys pursuant to this section  
813 for purposes other than actual research shall use matching funds  
814 of at least 50 percent of the amount awarded by the council.

815 (a) Emphasis shall be given to the following goals  
816 ~~enumerated in s. 381.921,~~ as those goals support the advancement  
817 of such cures:

818 1. Efforts to significantly expand cancer research  
819 capacity in the state by identifying ways to attract new  
820 research talent and attendant national grant-producing  
821 researchers to cancer research facilities in this state; by  
822 implementing a peer-reviewed, competitive process to identify  
823 and fund the best proposals to expand cancer research institutes  
824 in this state; by providing funding through available resources  
825 for those proposals that demonstrate the greatest opportunity to  
826 attract federal research grants and private financial support;  
827 by encouraging the employment of bioinformatics in order to  
828 create a cancer informatics infrastructure that enhances  
829 information and resource exchange and integration through  
830 researchers working in diverse disciplines, to facilitate the  
831 full spectrum of cancer investigations; by facilitating the  
832 technical coordination, business development, and support of  
833 intellectual property as it relates to the advancement of cancer  
834 research; and by aiding in other multidisciplinary research-

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835 support activities as they inure to the advancement of cancer  
836 research.

837 2. Efforts to improve both research and treatment through  
838 greater participation in clinical trials networks by identifying  
839 ways to increase adult enrollment in cancer clinical trials; by  
840 supporting public and private professional education programs  
841 designed to increase the awareness and knowledge about cancer  
842 clinical trials; by providing tools to cancer patients and  
843 community-based oncologists to aid in the identification of  
844 cancer clinical trials available in the state; and by creating  
845 opportunities for the state's academic cancer centers to  
846 collaborate with community-based oncologists in cancer clinical  
847 trials networks.

848 3. Efforts to reduce the impact of cancer on disparate  
849 groups by identifying those cancers that disproportionately  
850 impact certain demographic groups and by building collaborations  
851 designed to reduce health disparities as they relate to cancer.

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

857 (3) (a) Applications for funding for cancer research may be  
858 submitted by any university or established research institute in  
859 the state. All qualified investigators in the state, regardless  
860 of institutional affiliation, shall have equal access and  
861 opportunity to compete for the research funding. Collaborative  
862 proposals, including those that advance the program's goals

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863 enumerated in subsection (2), may be given preference. Grants  
864 shall be awarded by the State Surgeon General, after  
865 consultation with the Biomedical Research Advisory Council, on  
866 the basis of scientific merit, as determined by an open,  
867 competitive peer review process that ensures objectivity,  
868 consistency, and high quality. The following types of  
869 applications shall be considered for funding:

- 870 1. Investigator-initiated research grants.
- 871 2. Institutional research grants.
- 872 3. Collaborative research grants, including those that  
873 advance the finding of cures through basic or applied research.

874 (b) In order to ensure that all proposals for research  
875 funding are appropriate and are evaluated fairly on the basis of  
876 scientific merit, the State Surgeon General, in consultation  
877 with the council, shall appoint a peer review panel of  
878 independent, scientifically qualified individuals to review the  
879 scientific content of each proposal and establish its priority  
880 score. The priority scores shall be forwarded to the council and  
881 must be considered in determining which proposals shall be  
882 recommended for funding.

883 (c) The council and the peer review panel shall establish  
884 and follow rigorous guidelines for ethical conduct and adhere to  
885 a strict policy with regard to conflicts of interest. A member  
886 of the council or panel may not participate in any discussion or  
887 decision with respect to a research proposal by any firm,  
888 entity, or agency with which the member is associated as a  
889 member of the governing body or as an employee or with which the  
890 member has entered into a contractual arrangement. Meetings of



891 the council and the peer review panels are subject to chapter  
 892 119, s. 286.011, and s. 24, Art. I of the State Constitution.

893 (4) By December 15 of each year, the Department of Health  
 894 shall submit to the Governor, the President of the Senate, and  
 895 the Speaker of the House of Representatives a report indicating  
 896 progress towards the program's mission and making  
 897 recommendations that further its purpose.

898 (5) For the 2008-2009 fiscal year and through fiscal year  
 899 2009-2010 ~~each fiscal year thereafter~~, the sum of \$6.75 million  
 900 is appropriated annually from recurring funds in the General  
 901 Revenue Fund to the Biomedical Research Trust Fund within the  
 902 Department of Health for purposes of the William G. "Bill"  
 903 Bankhead, Jr., and David Coley Cancer Research Program and shall  
 904 be distributed pursuant to this section to provide grants to  
 905 researchers seeking cures for cancer, with emphasis given to the  
 906 goals enumerated in subsection (2) ~~s. 381.921~~. From the total  
 907 funds appropriated, an amount of up to 10 percent may be used  
 908 for administrative expenses.

909 (6) Beginning in fiscal year 2009-2010, and every year  
 910 thereafter, designated proceeds generated by s. 210.20 shall be  
 911 employed to fund the purposes prescribed in this section. The  
 912 annual appropriation pursuant to this subsection shall allow for  
 913 reasonable administrative costs associated with the program's  
 914 implementation.

915 (7) ~~(6)~~ By June 1, 2016 ~~2009~~, the Division of Statutory  
 916 Revision of the Office of Legislative Services shall certify to  
 917 the President of the Senate and the Speaker of the House of

918 Representatives the language and statutory citation of this  
 919 section, which is scheduled to expire January 1, 2018 ~~2011~~.

920 ~~(8)-(7)~~ The Legislature shall review the performance, the  
 921 outcomes, and the financial management of the William G. "Bill"  
 922 Bankhead, Jr., and David Coley Cancer Research Program during  
 923 the 2010 Regular Session of the Legislature and shall determine  
 924 the most appropriate funding source and means of funding the  
 925 program based on its review.

926 ~~(9)-(8)~~ This section expires January 1, 2018 ~~2011~~, unless  
 927 reviewed and reenacted by the Legislature before that date.

928 Section 12. Section 393.55, Florida Statutes, is created  
 929 to read:

930 393.55 Agency for Persons with Disabilities caseload  
 931 growth; distribution of designated cigarette tax proceeds.--The  
 932 Agency for Persons with Disabilities shall apply revenues  
 933 received pursuant to s. 210.20 for the purposes prescribed in  
 934 this chapter, to be applied specifically to caseload growth over  
 935 and above that which existed during fiscal year 2008-2009.

936 Section 13. Subsections (2) and (3) of section 395.6061,  
 937 Florida Statutes, are amended to read:

938 395.6061 Rural hospital capital improvement.--There is  
 939 established a rural hospital capital improvement grant program.

940 (2) Each rural hospital as defined in s. 395.602 that has  
 941 reported to the agency charity care charges comprising at least  
 942 5 percent of gross total charges for the most recent fiscal year  
 943 is eligible to receive funds under this section ~~shall receive a~~  
 944 ~~minimum of \$100,000 annually~~, subject to legislative  
 945 appropriation, upon application to the Department of Health, for

946 projects to acquire, repair, improve, or upgrade systems,  
 947 facilities, or equipment. Funds shall be made available to  
 948 individual hospitals based upon the level of charity care  
 949 charges relative to other hospitals.

950 (3) Funds for the acquisition, repair, improvement, or  
 951 upgrade of systems, facilities, or equipment at rural hospitals  
 952 ~~Any remaining funds~~ shall annually be disbursed ~~to rural~~  
 953 ~~hospitals~~ in accordance with this section. The Department of  
 954 Health shall establish, by rule, criteria for awarding grants  
 955 ~~for any remaining funds~~, which must be used exclusively for the  
 956 support and assistance of rural hospitals as defined in s.  
 957 395.602, including criteria relating to the level of  
 958 uncompensated care rendered by the hospital, the participation  
 959 in a rural health network as defined in s. 381.0406, and the  
 960 proposed use of the grant by the rural hospital to resolve a  
 961 specific problem. The department must consider any information  
 962 submitted in an application for the grants in accordance with  
 963 subsection (1) in determining eligibility for and the amount of  
 964 the grant, and none of the individual items of information by  
 965 itself may be used to deny grant eligibility.

966 Section 14. Section 400.997, Florida Statutes, is created  
 967 to read:

968 400.997 Primary Care Access Network; extended clinic  
 969 hours.--

970 (1) The Legislature finds that the Primary Care Access  
 971 Network was founded to address the needs of the uninsured and  
 972 those who are medically needy by providing a system of service  
 973 delivery that builds upon the strengths of its current health

974 provider partners. It is recognized that, where implemented  
 975 under a pilot program, there has been a substantial decrease in  
 976 nonurgent emergency room services used by uninsured persons.

977 (2) Using funds received pursuant to s. 210.20, the Agency  
 978 for Health Care Administration shall establish additional  
 979 programs which shall offer health care services during the  
 980 weekend and after regular business hours during the week.

981 (3) To the extent that funds are available, such funds  
 982 shall be used to operate clinics of the Primary Care Access  
 983 Network during the extended hours the clinics are open and to  
 984 pay the employees of those clinics accordingly.

985 (4) By January 1 of each year, the Agency for Health Care  
 986 Administration shall submit to the Governor, the President of  
 987 the Senate, and the Speaker of the House of Representatives a  
 988 report on the successes and outcomes achieved through the  
 989 implementation of this section. The report shall include  
 990 recommendations regarding continuation, termination, or  
 991 expansion of the Primary Care Access Network.

992 (5) The Agency for Health Care Administration shall adopt  
 993 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
 994 section.

995 Section 15. Section 400.998, Florida Statutes, is created  
 996 to read:

997 400.998 Federally qualified health centers; county health  
 998 department clinics; free clinics; designated funds.--

999 (1) The Agency for Health Care Administration shall  
 1000 distribute designated proceeds received pursuant to s. 210.20 to  
 1001 federally qualified health centers, county health department

1002 clinics, and free clinics for the expansion of primary care  
 1003 services in order to provide comprehensive primary and  
 1004 preventive health care and urgent care services that may reduce  
 1005 the morbidity, mortality, and cost of care among the uninsured  
 1006 population of the state.

1007 (2) It is the intent of the Legislature to recognize the  
 1008 significance of improved health outcomes and decreased overall  
 1009 cost to the state through quality primary and preventive care.  
 1010 It is further the Legislature's intent to increase the state's  
 1011 investment in primary care providers and to leverage that  
 1012 investment through the creation of a program to provide for the  
 1013 expansion of primary and preventive health care services offered  
 1014 by federally qualified health centers, county health department  
 1015 clinics, and free clinics. It is also the intent of the  
 1016 Legislature that such a program will support the coordination of  
 1017 federal, state, and local resources to assist such providers in  
 1018 developing a medical home model for expanded community-based  
 1019 primary care delivery systems.

1020 (3) In selecting federally qualified health centers,  
 1021 county health department clinics, and free clinics, the Agency  
 1022 for Health Care Administration:

1023 (a) Shall give preference to communities in which there  
 1024 are few or no community-based primary care services or in which  
 1025 the current services are unable to meet the community's needs  
 1026 and to counties with the highest percentage of uninsured.

1027 (b) Shall require that a full array of primary care  
 1028 services be made available to patients, including enabling  
 1029 services.

1030        (c) Shall give preference to centers that have or will  
 1031 establish and provide a medical home model of care for the  
 1032 delivery of services.

1033        (d) Shall require that primary care services be provided  
 1034 to all patients, regardless of their ability to pay, using a  
 1035 sliding fee schedule based on income.

1036        (e) May require that a portion of the funds derived from  
 1037 s. 210.20 for the purposed prescribed in this section be used to  
 1038 pay for operating costs emanating from projected expansions in  
 1039 patient caseloads or services or for capital improvement  
 1040 projects, which may include renovations to existing facilities  
 1041 or construction of new facilities, provided that an expansion of  
 1042 patient caseloads or services to a new patient population will  
 1043 occur as a result of the capital expenditures.

1044        (f) Shall encourage coordination among federally qualified  
 1045 health centers, other private sector providers, and publicly  
 1046 supported programs.

1047        (g) Shall give preference to the development of community  
 1048 emergency room diversion programs in conjunction with local  
 1049 resources diversion programs which include case management for  
 1050 emergency room followup care.

1051        (h) Shall encourage the use of extended hours of operation  
 1052 to urgent care patients.

1053        (4) The Agency for Health Care Administration shall  
 1054 establish a formal process for the submission and evaluation of  
 1055 applications for funding through moneys derived from s. 210.20  
 1056 for the purposes enumerated in this section. The process shall  
 1057 include the creation of a review panel consisting of two persons

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1058 appointed by the Secretary of Health Care Administration and two  
1059 persons appointed by the chief executive officer of the Florida  
1060 Association of Community Health Centers, Inc., to review all  
1061 applications for funding. The review panel shall consider the  
1062 following elements in reviewing applications and shall determine  
1063 the relative weight for scoring and evaluating these elements:

1064 (a) The target population to be served.  
1065 (b) The health benefits to be provided.  
1066 (c) The number of new patients that are expected to be  
1067 served.  
1068 (d) The methods that will be employed to measure cost-  
1069 effectiveness.  
1070 (e) Projected health status outcomes.  
1071 (f) How data will be collected to measure cost-  
1072 effectiveness, health status outcomes, and overall achievement  
1073 of the goals of the proposal.  
1074 (g) All resources, including cash, in-kind contributions,  
1075 volunteer hours, or other resources that will be dedicated to  
1076 the project by the applicant.  
1077 (5) Recipients of moneys for all projects selected for  
1078 funding under this section must operate with electronic medical  
1079 records that shall be open to any provider that wishes to gain  
1080 access such records. Such recipients shall provide timely  
1081 reports to the Agency for Health Care Administration on the  
1082 progress and outcomes related to such projects.  
1083 (6) The Agency for Health Care Administration may contract  
1084 with the Florida Association of Community Health Centers, Inc.

1085 to administer the program and provide technical assistance to  
 1086 the entities receiving funding under this section.

1087 (7) The Agency for Health Care Administration shall adopt  
 1088 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
 1089 section.

1090 Section 16. Subsection (1) of section 951.22, Florida  
 1091 Statutes, is amended to read:

1092 951.22 County detention facilities; contraband articles.--

1093 (1) It is unlawful, except through regular channels as  
 1094 duly authorized by the sheriff or officer in charge, to  
 1095 introduce into or possess upon the grounds of any county  
 1096 detention facility as defined in s. 951.23 or to give to or  
 1097 receive from any inmate of any such facility wherever said  
 1098 inmate is located at the time or to take or to attempt to take  
 1099 or send therefrom any of the following articles which are hereby  
 1100 declared to be contraband for the purposes of this act, to wit:  
 1101 Any written or recorded communication; any currency or coin; any  
 1102 article of food or clothing; any tobacco products as defined in  
 1103 s. 210.25~~(11)~~; any cigarette as defined in s. 210.01~~(1)~~; any  
 1104 cigar; any intoxicating beverage or beverage which causes or may  
 1105 cause an intoxicating effect; any narcotic, hypnotic, or  
 1106 excitative drug or drug of any kind or nature, including nasal  
 1107 inhalators, sleeping pills, barbiturates, and controlled  
 1108 substances as defined in s. 893.02(4); any firearm or any  
 1109 instrumentality customarily used or which is intended to be used  
 1110 as a dangerous weapon; and any instrumentality of any nature  
 1111 that may be or is intended to be used as an aid in effecting or  
 1112 attempting to effect an escape from a county facility.



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1113           Section 17. The additional tax imposed by s. 210.02,  
1114 Florida Statutes, pursuant to this act also applies to inventory  
1115 on hand as of the effective date of this act. By July 1, 2009,  
1116 or the date this act becomes law, whichever is later, before  
1117 opening for business, each manufacturer, distributor,  
1118 wholesaler, and vendor in this state shall take an inventory of  
1119 the cigarettes on hand, and that inventory shall be subject to  
1120 the new rate of tax imposed by s. 201.02, Florida Statutes. The  
1121 amount of inventory shall be certified to the Division of  
1122 Alcoholic Beverages and Tobacco of the Department of Business  
1123 and Professional Regulation on or before July 21, 2009, with  
1124 that documentation accompanied by a certified check, money  
1125 order, or electronic funds transfer for the amount of the  
1126 additional tax due on this inventory as imposed by s. 210.02,  
1127 Florida Statutes, pursuant to this act. The provisions of  
1128 chapter 210, Florida Statutes, relating to penalties and  
1129 interest for delinquent payments shall apply to this section.  
1130 The proceeds of the tax upon inventory imposed by this section  
1131 shall be deposited into the Cigarette Tax Collection Trust Fund  
1132 and shall be distributed in accordance with the manner  
1133 prescribed in s. 210.20, Florida Statutes. This section shall  
1134 take effect upon this act becoming a law.

1135           Section 18. Sections 381.92 and 381.921, Florida Statutes,  
1136 are repealed.

1137           Section 19. Except as otherwise expressly provided by this  
1138 act, this act shall take effect July 1, 2009.