

Bill No. CS for SB 1580

Amendment No. Barcode 830146

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1		.
2		.
3		.
4		.

5		
6		
7		
8		
9		
10		

11 Senator Burt moved the following amendment:

12

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

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Present subsections (2) through (12) of
 18 section 569.21, Florida Statutes, are redesignated as
 19 subsections (4) through (14), respectively and new subsections
 20 (2) and (3) are added to that section, to read:

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

28 (2) The Governor, in consultation with the Attorney
 29 General, shall submit a report to the President of the Senate,
 30 the Speaker of the House of Representatives, the Comptroller,
 31 and the Auditor General by October 1, 2001, on the status of

Bill No. CS for SB 1580

Amendment No. ____ Barcode 830146

1 the settlement agreement as amended, in The State of Florida
2 et al. v. American Tobacco Company et al., Case #95-1466AH, in
3 the Circuit Court of the Fifteenth Judicial Circuit, in and
4 for Palm Beach County. The report shall specifically describe
5 and explain the settlement agreement's formula for determining
6 the amount of the annual tobacco settlement payments and the
7 application of the formula.

8 (3) The Comptroller shall request information from the
9 tobacco industry with respect to calculating the annual
10 tobacco-settlement payments. The Comptroller, in consultation
11 with the Auditor General, shall verify the information from
12 the tobacco industry, verify the annual payment amounts by
13 applying the terms of the settlement agreement to the
14 submitted industry information, and appropriately resolve
15 inconsistencies. The Comptroller may obtain contractual
16 services necessary to verify the information from the tobacco
17 industry.

18 (a) If the Comptroller determines that there has been
19 an overpayment by a settling defendant pursuant to the
20 settlement agreement, and the Auditor General confirms the
21 overpayment, the Comptroller shall notify the Governor, the
22 Senate and the House of Representatives of such overpayment.
23 Upon approval by the Legislative Budget Commission, a refund
24 shall be made to the respective settling defendant for the
25 overpayment by the Comptroller.

26 (b) If the Comptroller determines that there has been
27 an underpayment by a settling defendant pursuant to the
28 settlement agreement, and the Auditor General confirms the
29 underpayment, the Comptroller shall notify the Governor, the
30 Senate, the House of Representatives, and the Attorney General
31 of such underpayment. Within 10 days of the notification the

Bill No. CS for SB 1580

Amendment No. ____ Barcode 830146

1 Comptroller shall on behalf of the state request the
2 respective settling defendant to pay the underpayment. If
3 within 40 days after the request for payment, the settling
4 defendant has not made payment or entered into an agreement
5 with the Attorney General and the Governor for a method of
6 payment, the Attorney General shall institute proceedings in
7 State of Florida v. American Tobacco to enforce the agreement
8 and to collect the amount owed.

9 (c) The Auditor General shall annually review the
10 state's process for verifying the annual tobacco settlement
11 payments and confirm that the payments were properly made in
12 accordance with the settlement agreement. The Auditor General
13 shall report on such confirmation and any deviation from such
14 process to the Governor, the President of the Senate, the
15 Speaker of the House of Representatives, the Comptroller and
16 the Attorney General.

17 Section 2. The Governor is authorized to submit a
18 budget amendment to the Legislative Budget Commission to
19 transfer funds from the Tobacco Settlement Clearing Trust fund
20 or any of the agency Tobacco Settlement Trust Funds to the
21 appropriate trust funds of the Governor, Comptroller, or
22 Attorney General to cover costs incurred to ensure that
23 tobacco settlement receipt amounts are accurate. This section
24 authorizes transfers between agencies, pursuant to the
25 requirements of section 216.292(1)(a), Florida Statutes. The
26 total amount transferred from the Tobacco Settlement Clearing
27 Trust Fund and the agency Tobacco Settlement Trust Funds shall
28 not exceed \$1 million.

29
30
31

Bill No. CS for SB 1580

Amendment No. ____ Barcode 830146

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 An act relating to proceeds from the tobacco
7 settlement; amending s. 569.21, F.S.; requiring
8 the Governor in consultation with the Attorney
9 General to report by a date certain on the
10 status of the tobacco settlement agreement and
11 the formula for calculating the annual
12 payments; requiring the Comptroller to request
13 informations from the tobacco industry which
14 are used to calculate the annual payments and
15 to verify such information; requiring the
16 Comptroller to notify the Governor, the Senate
17 and the House of Representatives of any
18 overpayment or underpayment; authorizing any
19 refund of overpayment subject to approval by
20 Legislative Budget Commission; requiring
21 Comptroller to request balance of any
22 underpayment; directing Attorney General to
23 institute action to collect unpaid
24 underpayment; requiring the Auditor General to
25 annually review State's process for
26 verification of representations, to confirm
27 that settlement payments are being made in
28 accordance with the settlement agreement and to
29 report to the Governor, the Legislature and the
30 Attorney General regarding such confirmation;
31 providing an appropriation; providing effective

Bill No. CS for SB 1580

Amendment No. ____ Barcode 830146

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31

dates.