

By Senators Sullivan, King and Lee

22-2399-02

1                                   A bill to be entitled  
2           An act relating to cigarette taxes; amending s.  
3           210.20, F.S.; providing for a portion of the  
4           revenues from the cigarette tax to be paid  
5           monthly to the Board of Directors of the H. Lee  
6           Moffitt Cancer Center and Research Institute,  
7           to finance a cancer research facility at the  
8           University of South Florida; amending s.  
9           210.201, F.S.; providing for the use of the  
10          transferred moneys; providing for construction  
11          of the act in pari material with laws enacted  
12          at the 2002 Regular Session; providing an  
13          effective date.

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

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17           Section 1. Paragraph (b) of subsection (2) of section  
18   210.20, Florida Statutes, is amended to read:

19           210.20 Employees and assistants; distribution of  
20   funds.--

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

25           (b)1. Beginning January 1, 1999, and continuing for 10  
26   years thereafter, the division shall from month to month  
27   certify to the Comptroller the amount derived from the  
28   cigarette tax imposed by s. 210.02, less the service charges  
29   provided for in s. 215.20 and less 0.9 percent of the amount  
30   derived from the cigarette tax imposed by s. 210.02 which  
31   shall be deposited into the Alcoholic Beverage and Tobacco

1 Trust Fund, specifying an amount equal to 2.59 percent of the  
2 net collections, and that amount shall be paid to the Board of  
3 Directors of the H. Lee Moffitt Cancer Center and Research  
4 Institute, established under s. 240.512, by warrant drawn by  
5 the Comptroller upon the State Treasury. These funds are  
6 hereby appropriated monthly out of the Cigarette Tax  
7 Collection Trust Fund, to be used for the purpose of  
8 constructing, furnishing, and equipping a cancer research  
9 facility at the University of South Florida adjacent to the H.  
10 Lee Moffitt Cancer Center and Research Institute. In fiscal  
11 years 1999-2000 and thereafter with the exception of fiscal  
12 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer  
13 Center and Research Institute authorized by this subparagraph  
14 ~~paragraph~~ shall not be less than the amount that ~~which~~ would  
15 have been paid to the H. Lee Moffitt Cancer Center and  
16 Research Institute for fiscal year 1998-1999 had payments been  
17 made for the entire fiscal year rather than for a 6-month  
18 period thereof.

19 2. Beginning July 1, 2002, and continuing through June  
20 30, 2004, the division shall, in addition to the distribution  
21 authorized in subparagraph 1., from month to month certify to  
22 the Comptroller the amount derived from the cigarette tax  
23 imposed by s. 210.02, less the service charges provided in s.  
24 215.20 and less 0.9 percent of the amount derived from the  
25 cigarette tax imposed by s. 210.02, which shall be deposited  
26 into the Alcoholic Beverage and Tobacco Trust Fund, specifying  
27 an amount equal to 0.2632 percent of the net collections, and  
28 that amount shall be paid to the Board of Directors of the H.  
29 Lee Moffitt Cancer Center and Research Institute, established  
30 under s. 240.512, by warrant drawn by the Comptroller.  
31 Beginning July 1, 2004, and continuing through June 30, 2016,

1 the division shall, in addition to the distribution authorized  
2 in subparagraph 1., from month to month certify to the  
3 Comptroller the amount derived from the cigarette tax imposed  
4 by s. 210.02, less the service charges provided in s. 215.20  
5 and less 0.9 percent of the amount derived from the cigarette  
6 tax imposed by s. 210.02, which shall be deposited into the  
7 Alcoholic Beverage and Tobacco Trust Fund, specifying an  
8 amount equal to 1.47 percent of the net collections, and that  
9 amount shall be paid to the Board of Directors of the H. Lee  
10 Moffitt Cancer Center and Research Institute, established  
11 under s. 240.512, by warrant drawn by the Comptroller. These  
12 funds are appropriated monthly out of the Cigarette Tax  
13 Collection Trust Fund, to be used for the purpose of  
14 constructing, furnishing, and equipping a cancer research  
15 facility at the University of South Florida adjacent to the H.  
16 Lee Moffitt Cancer Center and Research Institute. In fiscal  
17 year 2004-2005 and thereafter, the appropriation to the H. Lee  
18 Moffitt Cancer Center and Research Institute authorized by  
19 this subparagraph shall not be less than the amount that would  
20 have been paid to the H. Lee Moffitt Cancer Center and  
21 Research Institute in fiscal year 2001-2002 if this  
22 subparagraph had been in effect.

23           Section 2. Section 210.201, Florida Statutes, is  
24 amended to read:

25           210.201 Cancer research facility at the University of  
26 South Florida; establishment; funding.--The Board of Directors  
27 of the H. Lee Moffitt Cancer Center and Research Institute  
28 shall construct, furnish, and equip, and shall covenant to  
29 complete, the cancer research facility at the University of  
30 South Florida adjacent to the H. Lee Moffitt Cancer Center and  
31 Research Institute. Moneys transferred to the Board of

1 Directors of the H. Lee Moffitt Cancer Center and Research  
2 Institute pursuant to s. 210.20 shall be used to secure  
3 financing to pay costs related to constructing, furnishing,  
4 and equipping the cancer research facility. Such financing  
5 may include the issuance of tax exempt bonds by a local  
6 authority, municipality, or county pursuant to parts II and  
7 III of chapter 159. Such bonds shall not constitute state  
8 bonds for purposes of s. 11, Art. VII of the State  
9 Constitution, but shall constitute bonds of a "local agency,"  
10 as defined in s. 159.27(4). The cigarette tax dollars pledged  
11 to this facility pursuant to s. 210.20 may ~~shall~~ be replaced  
12 annually by the Legislature from tobacco litigation settlement  
13 proceeds.

14 Section 3. If any law that is amended by this act was  
15 also amended by a law enacted at the 2002 Regular Session of  
16 the Legislature, such laws shall be construed as if they had  
17 been enacted at the same session of the Legislature, and full  
18 effect should be given to each if that is possible.

19 Section 4. This act shall take effect upon becoming a  
20 law.

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23 SENATE SUMMARY

24 Provides for a portion of the revenues from the cigarette  
25 tax to be paid monthly to the Board of Directors of the  
26 H. Lee Moffitt Cancer Center and Research Institute, to  
27 finance a cancer research facility at the University of  
28 South Florida. Provides for the use of the transferred  
29 moneys.  
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